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JOURNAL

OF THE

Senate of the State of California,

AT THE

TENTH SESSION OF THE LEGISLATURE,

BEGUN ON

IE THIRD DAY OF JANUARY, 1859, AND ENDED ON THE NINETEENTH DAY OF APRIL, 1859, AT THE CITY OF SACRAMENTO.

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1859.

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JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

CALIFORNIA LEGISLATURE.---IN SENATE.

TENTH SESSION.

SENATE CHAMBER, MONDAY, January 3, 1859.

Pursuant to the provisions of the Constitution of the State, the Senate was called to order at twelve o'clock, M., by Hon. Joseph Walkup, Lieutenant-Governor.

The roll of Senators holding over was called by the Secretary, and the following gentlemen answered to their names, to wit:

Messrs. Allen, Baker, Burch, Burton, Dickinson, Garter, Grant, Griffith, Hamm, Holden, Ketcham, Pacheco, and Thom.

By direction of the President, the roll of Senators elect was next called, and the following gentlemen answered to their names, came forward, presented their credentials, and subscribed to the oath of office, as administered by the Hon. David S. Terry, Chief Justice, to wit:

Messrs. Anderson, Bradley, Ballou, Dent, Denver, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Parks, Parker, Price, Quinn, Redman, Titus, Wheeler, and Williams.

The following Senators were absent:
Messrs. Berry, Gregory, Hart, and Phelps.
Mr. Merritt offered the following resolution, which was adopted:

Resolved, That the Standing Rules of the last Senate be adopted by this Senate until further ordered, and that a committee of three be appointed by the President to report suitable rules for the government of this body.

The Chair announced the following committee:
Messrs. Merritt, Burch, and Burton.
On motion of Mr. Allen, the Senate adjourned till to-morrow, at eleven o'clock, A. M.

THOS. N. CAZNEAU, Secretary of the Senate.
Approved, January 4, 1859.
JOSEPH WALKUP, President of the Senate.

IN SENATE.

TUESDAY, January 4, 1859.

The Senate met, pursuant to adjournment.
The President in the Chair.
Roll called.
Members all present.
Minutes of yesterday read and approved.
Mr. Burch offered the following resolution, which was adopted:

Resolved, That we proceed to the election of officers for the present session of the Senate, in the following order:
1. President *pro tem.*
2. Secretary.
3. Assistant Secretary.
4. Engrossing Clerk.
5. Enrolling Clerk.
6. Sergeant-at-Arms.
7. Assistant Sergeant-atArms.

The President announced nominations in order, and the following nominations were made:

FOR PRESIDENT *pro tem.*

Mr. Grant nominated T. G. Phelps.
Mr. Baker nominated W. B. Dickinson.
Mr. Allen nominated Humphrey Griffith.
Nominations being closed, the roll was called, with the following result:

Names.	Dickinson.	Phelps.	Griffith.
Anderson	1		
Allen			1
Baker	1		
Ballou			1
Berry	1		
Bradley	1		
Burch	1		
Burton	1		
Dent	1		
Denver	1		

Names.	Dickinson.	Phelps.	Griffith.
Garter	1		
Grant		1	
Gregory	1		
Hart			1
Hamm	1		
Holden	1		
Ketcham	1		
Kirkpatrick	1		
Lansing	1		
McDonald	1		
Merritt	1		
O'Farrell	1		
Pacheco	1		
Parks	1		
Parker		1	
Price	1		
Quinn	1		
Redman	1		
Thom	1		
Titus	1		
Wheeler			1
Williams		1	
Totals	25	3	4

Mr. Dickinson voted for Mr. Burton.

Mr. Dickinson having received a majority of all the votes cast, was declared duly elected President *pro tem.*

FOR SECRETARY.

Mr. Dickinson nominated E. C. Palmer for Secretary.

Mr. Phelps nominated C. A. Crane.

Mr. Ballou nominated W. J. Forbes.

Nominations being closed, the roll was called, with the following result:

Names.	Palmer.	Crane.	Forbes.
Anderson	1		
Allen			1
Baker	1		
Ballou			1
Berry	1		
Bradley	1		
Burch	1		
Burton	1		
Dent	1		
Dickinson	1		
Denver	1		

Names.	Palmer.	Crane.	Forbes.
Garter	1		
Grant		1	
Gregory	1		
Griffith			1
Hart			1
Hamm	1		
Holden	1		
Ketcham	1		
Kirkpatrick	1		
Lansing	1		
McDonald	1		
Merritt	1		
O'Farrell	1		
Pacheco	1		
Parks	1		
Parker		1	
Phelps		1	
Price	1		
Quinn	1		
Redman	1		
Thom	1		
Titus	1		
Wheeler			1
Williams		1	
Totals	26	4	5

Mr. Palmer having received a majority of all the votes cast, was declared duly elected Secretary.

FOR ASSISTANT SECRETARY.

Mr. Burch nominated John T. Pennington, for Assistant Secretary.
Mr. Grant nominated Seth H. Wetherbee.
Mr. Allen nominated J. B. Saul.
Nominations being closed, the roll was called, with the following result:

Names.	Pennington.	Wetherbee.	Saul.
Anderson	1		
Allen			1
Baker	1		
Ballou			1
Berry	1		
Bradley	1		
Burch	1		
Burton			1
Dent	1		

Names.	Pennington.	Wetherbee.	Saul.
Dickinson	1		
Denver	1		
Garter	1		
Grant		1	
Gregory	1		
Griffith			1
Hart			1
Hamm	1		
Holden	1		
Ketcham	1		
Kirkpatrick	1		
Lansing	1		
McDonald	1		
Merritt	1		
O'Farrell	1		
Pacheco	1		
Parks	1		
Parker		1	
Phelps		1	
Price	1		
Quinn	1		
Redman	1		
Thom	1		
Titus	1		
Wheeler			1
Williams		1	
Totals	25	4	6

Mr. Pennington having received a majority of all the votes cast, was declared duly elected Assistant Secretary.

FOR ENGROSSING CLERK.

Mr. Redman nominated Wm. S. Letcher for Engrossing Clerk.
Mr. Grant nominated G. T. Lyttle.
Mr. Griffith nominated George Gillespie.
Nominations being closed, the roll was called, with the following result:

Names.	Letcher.	Lyttle.	Gillespie.
Anderson	1		
Allen			1
Baker	1		
Ballou			1
Berry	1		
Bradley	1		
Burch	1		
Burton	1		

Names.	Letcher.	Lyttle.	Gillespie.
Dent	1		
Dickinson	1		
Denver	1		
Garter	1		
Grant		1	
Gregory	1		
Griffith			1
Hart			1
Hamm	1		
Holden	1		
Ketcham	1		
Kirkpatrick	1		
Lansing	1		
McDonald	1		
Merritt	1		
O'Farrell	1		
Pacheco	1		
Parks	1		
Parker		1	
Phelps		1	
Price	1		
Quinn	1		
Redman	1		
Thom	1		
Titus	1		
Wheeler			1
Williams		1	
Totals	26	4	5

Mr. Letcher having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

FOR ENROLLING CLERK.

Mr. Dent nominated John C. Reid for Enrolling Clerk.
Mr. Phelps nominated D. M. Geiger.
Mr. Wheeler nominated G. W. Bloor.
Nominations being closed, the roll was called, with the following result:

Names.	Reid.	Geiger.	Bloor.
Anderson	1		
Allen			1
Baker	1		
Ballou			1
Berry	1		
Bradley	1		
Burch	1		

Names.	Reid.	Geiger.	Bloor.
Burton	1		
Dent	1		
Dickinson	1		
Denver	1		
Garter	1		
Grant		1	
Gregory	1		
Griffith			1
Hart			1
Hamm	1		
Holden	1		
Ketcham	1		
Kirkpatrick	1		
Lansing	1		
McDonald	1		
Merritt	1		
O'Farrell	1		
Pacheco	1		
Parker		1	
Phelps		1	
Price	1		
Quinn	1		
Redman	1		
Thom	1		
Titus	1		
Wheeler			1
Williams		1	
Totals	25	4	5

Mr. Reid having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

FOR SERGEANT-AT-ARMS.

Mr. Holden nominated James W. Hawkins for Sergeant-at-Arms.
Mr. Phelps nominated J. P. Aldridge.
Mr. Ballou nominated Thomas O'Brien.
Nominations being closed, the roll was called, with the following result:

Names.	Hawkins.	Aldridge.	O'Brien.
Anderson	1		
Allen			1
Baker	1		
Ballou			1
Berry	1		
Bradley	1		
Burch	1		

Names.	Hawkins.	Aldridge.	O'Brien.
Burton	1		
Dent	1		
Dickinson	1		
Denver	1		
Garter	1		
Grant		1	
Gregory	1		
Griffith			1
Hart			1
Hamm	1		
Holden	1		
Ketcham	1		
Kirkpatrick	1		
Lansing	1		
McDonald	1		
Merritt	1		
O'Farrell	1		
Pacheco	1		
Parks	1		
Parker		1	
Phelps		1	
Price	1		
Quinn	1		
Redman	1		
Thom	1		
Titus	1		
Wheeler			1
Williams		1	
Totals	26	4	5

Mr. Hawkins having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. O'Farrell nominated G. P. Saunders for Assistant Sergeant-at-Arms.
Mr. Griffith nominated James McGinn.
Nominations being closed, the roll was called, with the following result:

Names.	Saunders.	McGinn.
Anderson	1	
Allen		1
Baker	1	
Ballou		1
Berry	1	
Bradley	1	
Burch	1	

Names.	Saunders.	McGinn.
Burton	1	
Dent	1	
Dickinson	1	
Denver	1	
Garter	1	
Grant		1
Gregory	1	
Griffith		1
Hart		1
Hamm	1	
Holden	1	
Ketcham	1	
Kirkpatrick	1	
Lansing	1	
McDonald	1	
Merritt	1	
O'Farrell	1	
Pacheco	1	
Parks	1	
Price	1	
Quinn	1	
Redman	1	
Thom	1	
Titus	1	
Wheeler		1
Totals	26	6

Mr. Saunders, having received a majority of all the votes cast, was declared duly elected Assistant Sergeant-at-Arms.

On motion of Mr. Griffith, the officers elect came forward, and subscribed to the oath of office, as administered by the President of the Senate.

Mr. Merritt offered the following resolution, which was adopted:

Resolved, That the Secretary be directed to inform the Assembly that the Senate has completed its organization by the election of the following named officers, viz.:

Hon. W. B. Dickinson.....President *pro tem.*
Edwin C. Palmer.....Secretary.
John T. Pennington.....Assistant Secretary.
William S. Letcher.....Engrossing Clerk.
J. C. Reid.....Enrolling Clerk.
J. W. Hawkins.....Sergeant-at-Arms.
G. P. Saunders.....Assistant Sergeant-at-Arms.

And are now ready to proceed to business.

Mr. Allen offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms procure from the State Library, for each Senator, one copy of Wood's Digest, Senate and Assembly Journals of the Ninth Session of the Legislature, and the Acts of '57 and '58.

On motion of Mr. Berry, the Senate took a recess for twenty minutes.

The Senate re-assembled at the appointed hour, the Assembly not having organized.

Mr. Griffith moved to take a further recess until two o'clock, P. M., which was lost.

And on motion of Mr. Burton, the Senate adjourned.

Approved, January 5, 1859.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

WEDNESDAY, January 5, 1859.

Senate met pursuant to adjournment.

The President in the Chair.

Roll called.

Absent—Mr. Price.

Journals of yesterday read and approved.

Mr. Burton in the Chair.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
January 4, 1859.

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have completed their organization by electing the following named officers, to wit:

Wm. C. Stratton,.....Speaker.
Caleb Gilman,.....Chief Clerk.
Richard R. Macgill,.....Assistant Clerk.
James Moore,.....Sergeant-at-Arms.
Julius Shultz,.....Assistant Sergeant-at-Arms.
Henry C. Kibbe,.....Enrolling Clerk.
W. Casey,.....Engrossing Clerk.

And are prepared to proceed with legislative business.

Also, that they have adopted the accompanying resolution, and ask the concurrence of the Senate, having appointed as Committee on the part of the House, Messrs. Slingerland, Ellis, and Howe.

ASSEMBLY CONCURRENT RESOLUTION.

Resolved, By the Assembly, the Senate concurring, that a Committee of three from each House be appointed to wait upon the Governor, and inform him of the organization of the two Houses, and that they are ready to receive any communication he may be pleased to offer.

C. GILMAN, Clerk.

Resolution concurred in.

The President resumed the Chair, and announced as Committee, on the part of the Senate, Messrs. Garter, Baker, and Ketcham.

Mr. Burton, by leave, introduced a bill for an Act to appropriate money for postage and express purposes, during the present session of the Legislature, which was read first and second times.

Rules further suspended, and bill considered.

Mr. Phelps moved to amend section fifth by striking out the words "after the passage of this Act," and insert, instead thereof, the words, "and at the close of the session."

Which was adopted.

Mr. Burton moved to amend section first by striking out the words "two thousand nine hundred and fifty," and inserting "three thousand;" and to add, at the end of the section, the words "Sergeant-at-Arms of the Senate and Sergeant-at-Arms of the Assembly."

Which was adopted.

On motion of Mr. Burton the bill was considered engrossed, read a third time, and passed.

NOTICES OF BILLS.

Mr. Thom gave notice that he would, at an early day, introduce a bill to amend an Act entitled "An Act to provide for the appointment of a Gauger for the port of San Francisco," passed May third, one thousand eight hundred and fifty two.

Mr. Burch gave notice that he would, on to-morrow, introduce a bill for "An Act for the relief of insolvent debtors and the protection of creditors," and for the repeal of a similar act now upon our Statute-Book.

Mr. Merritt gave notice that he would, at an early day, introduce a bill amending "An Act to regulate proceedings in civil cases in Courts of Justice of this State," passed April twenty-first, one thousand eight hundred and fifty-one, repealing the amendments known as the Attachment Law, passed April, one thousand eight hundred and fifty-eight.

Mr. Grant gave notice that he would, at an early day, introduce a bill for an Act to amend "An Act concerning the offices of County Clerk, Sheriff, and County Recorder of the City and County of San Francisco."

Mr. Holden offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms of the Senate be directed to furnish each member of the Senate with four daily papers published in this State, or their equivalent in weeklies.

Mr. Garter, of the Joint Select Committee appointed to wait upon the Governor and inform him of the organization of the Legislature, and their readiness to receive any communication he might be pleased to make, verbally reported that the committee had conferred with His Excellency, who would transmit to the Senate and Assembly, at one o'clock, his Annual Message.

Report accepted, and committee discharged.

On motion of Mr. Phelps, the Senate took a recess until one o'clock.

Senate re-assembled at the hour appointed.

President in the Chair.

Roll called.

Members all present.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have this day pased Senate bill No. 1, "An Act to appropriate money for postage and express purposes during the present session of the Legislature."

C. GILMAN, Clerk.

JANUARY 5, 1859.

Mr. Price offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be authorized to employ Frederick F. Wright as Paper-folder for the Senate, and that he receive three dollars per day out of the appropriation for the payment of officers of the Senate.

The following message was received from the Governor, and the Secretary proceeded to read, when, upon motion of Mr. Griffith, the further reading was dispensed with.

.....

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
Sacramento, Jan. 5th, 1859.

Senators and Assemblymen:

Having been officially informed that both branches of the Legislature have organized, I proceed to discharge the duty imposed upon me by the tenth section of the Constitution.

It affords me sincere pleasure to say that our finances are in a much more prosperous condition than at any other period since the organization of the State. The interest upon the public debt is being promptly paid, and our Bonds rank as high in the market as those of our sister States. The ratification by the people of the unconstitutional debt, created by their reckless and extravagant agents, has done much, both at home and abroad, to inspire confidence in our integrity. Although much of our property has been shamefully squandered, we have still ample means to liquidate this debt before it becomes due. Let these means be carefully husbanded, and provision made for the prompt payment of the interest, and the prejudices hitherto entertained against us in some quarters will soon be removed. Economy and integrity in the management of public affairs are indispensable; and I trust, you, gentlemen of the Senate and Assembly, who have been invested with the power of legislation by the people, will prove, before you close your labors, that these virtues govern and control your actions. The day has at last come, when the people have found time to watch the actions of their public agents; and the unfaithful officer can not expect to escape the condemnation of a betrayed constituency. As much more care is now taken than formerly in the selection of legislators, it is not doubted that all of you come here with a high and laudable ambition to do everything in your power to advance the interests of the State, and promote the prosperity of the people.

Special legislation has hitherto done much to injure the State. Acts have sometimes found their way upon the statute-book, which were only intended to aggrandize individuals; and outside agents have frequently controlled legislation. Here, I deem it my duty to direct your attention to one of the evils which has existed in California, as well as elsewhere, since the foundation of the State Government—I refer to the influence exercised over legislation by those who are usually called "Lobby Members." Gentlemen of influence and position are frequently found at the Seat of Government, during the session of the Legislature, selling out their services to secure the passage of laws. Caring but little for the

merits of the measure, they are ready, for a consideration, to undertake its passage. If, as it is said is generally the case, the fee is contingent, their energies and ingenuity are constantly taxed, and means are used which sometimes throw suspicion upon the integrity of the legislator himself. It need not be said that when legislation is transferred from the Chamber and Hall to the "Lobby," the public treasury will soon be plundered. When the Legislature is used for the purpose of passing bills concocted by speculators, public confidence must soon be destroyed, and the legislative power brought into contempt.

FINANCE.

Treasurer's Report.—The report of this officer will show that on the 15th ult., there was a balance of $522,170 26-100 in the Treasury. Our indebtedness may be thus stated:

Bonds issued under the Act of 28th April, 1857, ratified by the people,.....	$3,900,000 00
Bonds and Controller's Warrants outstanding, for the payment of which no provision has yet been made.....	143,485 63
Making, in the aggregate.....	$4,043,485 63

The annual interest upon the debt, as ratified by the people, $273.000.

It is quite probable that there are other demands of a just and equitable character against the State, which will swell the amount of actual indebtedness to $4,150,000. This will leave a debt of some $250,000, for which no provision has been made. That portion of the debt which accrued prior to the first day of January, 1857, under the view which I take of the question, will require a vote of the people before it can be paid. In this statement, the Bonds issued on account of Indian hostilities, are not included, because they show upon their face that they are to be no charge on the State Treasury. It is hoped, however, that the Legislature will urge upon our Senators and Representatives in Congress, the necessity of securing, if possible, at the present session, the payment of these just demands of our citizens, amounting, in the aggregate, to $245,374 00.

It will also be seen, from the report, that a fraud was practiced on the Treasury to the amount of $22,251 00. It was the custom of the Treasurer, when Bonds or Warrants were presented for funding, to examine his books carefully, and ascertain whether they had been properly registered and issued. The Fund Commissioners would then meet, from time to time, at his office, pass upon their genuineness, and see that they were correctly endorsed and canceled. All the claims presented, of every character and description, were closely examined by the Board before they were funded. Some weeks after new Bonds had been issued upon the stolen Warrants, a list of those for the payment of which Mr. McMeans, the former Treasurer, had received a credit, was placed in our hands. Steps were immediately taken by the Treasurer to secure the State, if possible, against loss. The question is now before the Courts, and will shortly be disposed of. The outstanding Warrants which have never been presented, and which must have been stolen from the Treasury, amount to $13,623 20, making, in the aggregate, $35,874 20. These Warrants were all properly registered, and there was no evidence or mark whatever upon them that they had ever been paid. The thir-

teenth section of the Act of July 31st, 1850, prescribing the mode of receiving, keeping, and paying out the public funds, thus specifies the duty of the Treasurer: "on the payment of any Warrant drawn by the Controller on him, *he shall take the receipt of the person to whom the money is paid, on the back of the Warrant*, and carefully file away and preserve the same, endorsing thereon the number thereof."

If the Treasurer had complied with the law, a fraud of this character could never have been practiced. Again, on the 2d of February, 1856, a Joint Committee was appointed by the Legislature, under the following resolution, (Senate Journal, page 208:)

Resolved, by the Assembly, the Senate concurring, That a Joint Committee, composed of three members of the Assembly and two members of the Senate, be appointed to examine and report upon the financial transactions of the Treasury Department of this State, during the term of office of the late State Treasurer, and that said Committee be *fully authorized and empowered to cancel all uncanceled vouchers pertainining to the same*, and to send for persons and papers, if necessary.

If the Committee had exercised the power given them by the Legislature, of course these Warrants could never have gotten into circulation. I do not doubt that they were stolen from the Treasury soon after they were examined by the Joint Committee. Until judicially decided, the Treasurer will not, of course, recognize the Bonds issued upon these Warrants as a legal demand against the State.

Controller's Report.—An examination of this communication will show that the assessed value of property, for the year 1858, falls two millions of dollars short of the assessment of 1857, and more than sixteen millions below the estimate of my predecessor. The discovery of gold in the British Possessions, north of us, and the excitement consequent thereupon, drew off a very large number of our citizens, and a general depreciation in the value of property immediately ensued. Other causes, of which it is not deemed necessary to speak, contributed to this result. The reduction in one county alone (San Francisco) is nearly nine millions of dollars. The value of the taxable property for the present year, is stated by the Controller, in round numbers, to be one hundred and twenty-four millions. The estimate made by the late Governor was one hundred and forty millions, and upon this calculation the Legislature proceeded to reduce the taxes on property from seventy to sixty cents on a hundred dollars. Whilst I am not disposed to increase the rate of taxation, the safety of the public credit, in my opinion, demands that the Act of April 17, 1858, giving the ninth and tenth classes of Licenses, and the Liquor Licenses, to the counties, should be repealed.

It is proper to remark, that this Act was approved by me with very great reluctance. Indeed, it was only after considerable hesitation and delay that I yielded to the judgment of your predecessors, as I did not feel disposed to set up my own against the expressed will of the representatives of the people, especially as I had just come into office, and was unacquainted with the revenue system of the State. The aggregate debt of the counties amounts to some three millions of dollars, and it was desirable to relieve them from embarrassment, if it could be done without producing a deficiency in the State Treasury. It will be seen, however, that whilst the Act has embarrassed the State, it has proved of very little benefit to the counties. The receipts from these licenses have fallen off during the six months preceding the fifteenth ult., (as compared with the corresponding term of the year 1857,) forty-two thousand four hundred and twelve dollars and twenty-four cents. It is safe to assume that, at the end of the year, the loss will amount, in round numbers, to eighty

thousand dollars, thus leaving to the counties the meagre sum of say thirty thousand dollars. Now, it seems to me that a bare statement of these facts should be sufficient to secure the repeal of the law.

The interest due upon our Bonds the first instant, amounting to one hundred and forty-seven thousand one hundred and thirty-eight dollars and fifteen cents, could not have been paid if authority had not been given to draw on the General Fund in case of a deficiency. The amount in the Interest Fund proper, was only eighty-five thousand five hundred and fifty dollars and twenty-two cents, instead of a surplus, as was anticipated by the late Executive. We have now the alternative, to restore the revenue derived from these licenses, in future, to the State Treasury, or devise some plan by which poll-taxes can be collected. The delinquent-list, in almost every county, is unusually heavy this year.

That our tax-laws operate unequally, and in some respects unjustly, can not be controverted. Some of these inequalities can not be corrected without a change in the Constitution. Every one who enjoys the protection of the Government ought to contribute towards its support, and yet nearly the whole burden falls upon less than one third of the citizens. Take, if you please, the poll-tax. Whilst we have a voting population of some one hundred and twenty thousand, only forty-eight thousand one hundred and thirty-five dollars were received from this source last year, the tax being three dollars per capita, and the State's share sixty per cent. In nearly one-third of the counties no poll-tax was collected, as will be seen by reference to the report. In 1857, none whatever was collected in San Francisco, and during the past year only nine hundred and ninety-one dollars and seventy cents. There can not be less than thirty thousand males over the age of twenty-one years, in that city and county, and if collections had been made, the State would have received some fifty thousand dollars, instead of less than one thousand dollars. In the meanwhile, El Dorado, with a voting population of little more than one-half that of San Francisco, paid this year eight thousand four hundred and sixty-four dollars and fifty cents. It will also be found that more than two-thirds of the whole amount received from this source was paid by eight counties, to wit: El Dorado, Sacramento, Calaveras, Nevada, Placer, Siskiyou, Sierra, and Tuolumne. Whilst San Francisco has a larger population than any other county in the State, no less than fourteen counties paid a larger poll-tax. It is but justice, however, to this county, to say that of other taxes it pays one fourth of the whole amount received into the Treasury. If the law was properly enforced throughout the State, a sufficient revenue could be collected to pay the annual interest accruing on the public debt. By devolving the duty on the Collector, instead of Assessor, the amount will certainly be increased, and therefore it is recommended.

It will be observed that only twenty-five counties have reported the assessment of property in accordance with law. The twenty-ninth section of the Revenue Act of 1853 declares that County Auditors "shall make out and cause to be transmitted, by mail or otherwise, to the Controller of State, on or before the first day of November of each year, a complete abstract of the property listed in his county, the valuation thereof, the number of polls, the amount of each kind of tax, and the aggregate thereof in the county; as, also, the rate of each kind of tax assessed." It is difficult to find any reason why these County Auditors should be allowed to disregard the plain requirements of the law, and it is recommended that a penalty be imposed upon those who may hereafter

neglect to perform this duty. Perhaps the simple provision prohibiting them from receiving any compensation for services rendered under the Revenue Laws, until the receipt of the State Controller for the assessment-roll is produced, might answer the purpose.

In estimating the probable receipt into the Treasury for the next fiscal year, it will be noticed that the Controller includes the proceeds of the School lands, ($65,000,) but this can not be used for the ordinary expenses of the Government. By the tenth section of the Act of last year "to provide for the location and sale of the unsold portion of the 500,000 acres of land donated to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of Learning," as soon as $57,600 of any money belonging to the School Fund is received, the Board of Examiners is required to use the same for purchasing outstanding Civil Bonds. The amount received thus far, under the Act, is a fraction less than $10,000.

I have caused a tabular statement to be prepared at the Controller's office, showing the cost of collecting the revenue, during the past year, in the different counties, and your earnest attention is called to it. In one of the counties, the cost was a fraction over forty-two per cent.; in another, thirty-eight; and in several, over twenty per cent. Take counties lying contiguous to each other, having about the same character of population, and presenting about the same difficulties in collecting, and see the vast difference in the expense. In Amador, the per cent. is a fraction over eight, whilst in Calaveras it is twenty-three and a fraction. In Nevada, a fraction over three per cent., whilst in the adjoining counties—Placer, on the south, it is eight and a fraction, and in Sierra, on the north, thirty-four and a fraction. In Trinity, six per cent., whilst in Shasta, twenty-three and a fraction. In Santa Clara, five and a fraction, whilst in Alameda, twelve and a fraction. It is true, that the per centage can not be equalized, as in many counties the Assessor goes with the Collector, and his expenses are audited by the Board of Supervisors, and in some localities the cost of collection is greater than in others, yet this gross inequality shows that there is something wrong in the system. The aggregate cost of collecting a revenue of $1,254,335 46 is $108,370 65.

The law fixing the fees of Tax-Collector, was passed several years since, when the expenses of traveling and of living were much higher than now. With the improvements of roads, the increase in the facilities for traveling, and a general reduction in the cost of the necessaries of life, there ought to be a corresponding reduction in the fees of revenue officers, and it is, therefore, recommended.

I concur with the Controller, in the opinion that the whole revenue system needs revision, as there are many radical errors in it. Indeed, it is claimed that some of our laws are unconstitutional.

A criminal prosecution was instituted at San Francisco, against one Capt. Almy, for a violation of the first section of the Act to provide revenue for the support of government, from a tax to be levied and collected from foreign and inland bills, as amended by the Act of twenty-sixth of April, 1858. The party having been convicted, sued out a writ of error from the Supreme Court of the United States, and the case is now pending at Washington. The object of the defendant is to test the constitutionality of the law. Deeming this a matter of great financial importance, Mr. Benjamin, of the United States Senate, and Gen. Volney E. Howard, of California, were retained to represent the State. It is probable that the case will be disposed of during the present term of the Court.

REPORTS OF OFFICERS.

SECRETARY OF STATE.—The report of this officer will show that we have for years past been publishing a much larger number of Journals and Laws than the necessities of the State demanded. Indeed, an uncharitable person might suppose that the principal object had been to enrich the printer. It will be seen that there are now on hand, of the Journals of the Legislature, *four thousand nine hundred and eighty* copies. Of the Seventh Session (1856) alone, he has *thirteen hundred and twenty-three* copies. Of the preceding Session, seven hundred and ninety-two; and of the last Session, seven hundred and thirty-five. By examining the Appendix to the Journals of the Senate and Assembly, it will be found that hitherto the reports of the State Officers and Public Institutions were printed in each, thus making one volume of unnecessary binding. The report of the Treasurer is published in three different volumes.

These evils should be corrected, and your attention is invoked to them. The expenses of "printing, paper, and official advertisements," for the present fiscal year, (judging by the amount charged to this account during the past twelve months,) will not exceed $40,000—being $10,000 less than the sum appropriated by the last Legislature for this object. This is the first time that the expense of printing for the State has been kept within the appropriation made by the Legislature. And yet even this amount can be reduced $10,000, without changing the tariff of prices fixed by statute.

ATTORNEY-GENERAL.—The report of this officer will show that there has been an unusual amount of litigation in which the State was directly interested, during the past year. In some few cases it was deemed necessary to employ assistant counsel, but, by the Attorney-General giving his unremitting attention to the public business, the large expenditure heretofore made in this department has been very much reduced.

I concur with this officer in recommending a modification of the Act for the better observance of the Sabbath, which has been declared unconstitutional by the Supreme Court. In all civilized countries, laws of this character have been deemed necessary—necessary, not only in a moral but in a physical point of view. The experience of ages has demonstrated that man requires the seventh day as a day of rest, and it can not be doubted that by striking out some unnecessary restrictions imposed by that Act, its constitutionality will be maintained by the Court.

In connection with the changes which the Attorney-General proposes in the statutes, it is suggested whether it would not be politic to reduce the number of Grand Jurors, and thus avoid very great expense. The Grand Jury, as an institution, has very little to commend it, except its antiquity, and if the Constitution did not prevent it, I would recommend its abolishment. The expenses of our Criminal Courts, under the present system, are enormous, and whenever a reduction can safely be made, it ought to be done.

It is also suggested that it might be proper (if upon examination it shall be found constitutional) to amend the Practice Act in civil cases, so as to allow the judgment of two-thirds or three-fourths to stand as the verdict of the jury. Parties are very frequently subjected to great expense, in consequence of a unanimous verdict being required. Indeed, I am not sure that in criminal cases it would not be expedient to increase the number of trial-jurors to fifteen, and require the concurrence

of twelve to render a verdict. The guilty very often escape under the present system. Our Criminal Code requires thorough revision, and it is hoped that the subject will receive your early attention.

State Registrar.—It will be observed, by reference to the report of this officer, that it has been found impossible to execute the Act of the 26th of April, 1858, providing for the registration of marriages, births, divorces, and deaths.

That much good would result from a statistical bureau, at the Seat of Government, can scarcely be doubted. Postmasters and other public officers are constantly annoyed with letters, inquiring after persons who have died here, and what disposition was made of their property, if any was left.

The Act of last session contained some provisions which, it was easy to foresee, could not be executed. A modification of the law, or an entire repeal, is now demanded. The report of births and deaths should be left to the voluntary action of the friends of the parties. The record of marriages and divorces can be obtained from the Courts in which the marriage was celebrated or the divorce granted.

It should be the duty of the Probate Judge to report to the Registrar the deaths of all persons upon whose estates letters of administration were granted, the name of the administrator, and the amount of the estate. It should be the duty of the Coroner, in the respective counties, to report all violent deaths to him. In addition to these, let the Assessors, in the respective counties, report their statistics to the Registrar, instead of the Surveyor-General. With these modifications, the office might be made one of public utility.

MISCELLANEOUS.

Estill and McCauley.—The Act of the 26th of April last, organized the Board, consisting of the Governor, the Comptroller, and Secretary of State, "to examine, audit, and allow, any and all claims, legal or equitable, of James M. Estill and John F. McCauley, or either of them, against the State of California, arising out of any matter connected with the State-Prison." There is a proviso in the Act, excluding the claim of J. F. McCauley for supplies furnished during the months of January and February of last year, thus leaving that portion of his demand to the consideration of the present Legislature. Shortly after the passage of that Act, the Board gave notice, through the public prints, that a meeting would be held at the State-Prison, San Quentin, on the 17th day of May, and that all claims referred to in that law would then be received and considered. Accordingly, all the members repaired to San Quentin at the time designated. No claim, of any character whatever, being presented by either of these parties, the Board, after being in session two days, adjourned to meet again on the call of the Governor. Subsequently, it was ascertained that both these gentlemen declined presenting their claims, chiefly upon the ground that the decision of the Board would be final and conclusive.

In September, McCauley brought an action against the State-Prison Directors, as private citizens, to recover possession of the Prison, and damages for unlawful entry and detainer. The case was submitted to a jury, and a verdict was rendered in favor of defendants. An appeal was taken by the plaintiff to the County Court, and here a jury acquitted two of the defendants, (the Lieutenant-Governor and Secretary of

State,) and gave judgment against the other for $4,150 00, which being trebled, according to our statute, amounts to $12,450 00. An appeal, of course, was taken to the Supreme Court, where, it is understood, a decision will be rendered in a few days. To perfect this appeal, I was compelled to execute bonds in the sum of $70,000. Whatever the result may be, the Legislature ought never to allow the Prison to pass beyond the control of the State.

On the fourteenth day of the last month, Mr. McCauley instituted a suit, in the District Court in Marin County, against the Governor, Lieutenant-Governor, and Secretary of State, in their private capacity, and several other individuals who accompanied the Governor when he took possession of the Prison, under the direction of the Legislature. This suit is brought to recover certain property at the Prison, which, it is alleged, was taken by the defendants when possession of the Prison was obtained, and damages on account of his ouster from the Prison—amounting, in the aggregate, to $100,000. I am not advised as to the time when a trial will be had.

Sureties of Bates.—The Act of April 26, 1858, created the Governor, Controller, and Treasurer, a Board of Commissioners, to settle and adjust a judgment recovered by the State against Samuel Norris, P. L. Edwards, G. O. Perry, Gilbert Griswold, and J. M. Rhodes, the sureties of Henry Bates, formerly Treasurer of State, for the sum of $100,000. The Board was authorized "to make a settlement with the sureties in said judgment, and to grant them a full release from the operation of the same, upon their paying into the State Treasury such sum as the Board, or any two members thereof, shall have determined was just and proper, and, under all the circumstances, most advantageous to the State."

We informed these gentlemen, soon after the adjournment of the Legislature, that we were ready to receive any statement or proposition which they might be disposed to make in reference to settlement. An offer was made by one of the sureties (Col. Edwards) to transfer certain property, but it was so incumbered with mortgages and liens, that the State, in all probability, would not have been able to make anything whatever out of it. Indeed, we became satisfied that no considerable portion of the judgment could be recovered, and hence abandoned all hope of effecting a settlement. After diligent inquiry into their pecuniary circumstances, we were forced to the conclusion that they were insolvent.

No State officers, in my opinion, ought ever to be invested with the power conferred by this Act. It authorizes a majority of the Commissioners to give a final discharge to the sureties against this judgment, upon whatever terms they deem proper. The payment of one dollar would have satisfied the law. The Legislature alone should prescribe the terms upon which public debtors should be released.

Water-Lots.—The Act of April 26, 1858, authorizes the Governor to enter upon and take possession of certain tracts or pieces of land in the City and County of San Francisco, lying within certain boundaries therein described. He was required to divide and lay out into lots and streets, etc.,—to employ an auctioneer, and proceed to sell, as soon as possible, all the right, title, and interest of the State therein. The terms of the sale were to be cash, or the Civil Bonds of the State. It also required the Governor to advertise for at least twenty days, in three newspapers—to pay all the expenses out of the proceeds.

Ascertaining that parties were in possession of this property, claiming

to be the owners, a communication was addressed to the Attorney-General, requesting him to institute legal proceedings to eject them. It is claimed by that officer that the purchasers under the sale made on the 26th of December, 1853, took no title whatever, and that the State is the absolute owner of this property. This is a judicial question, and, until it was finally determined, I was unwilling to order a sale which would have brought nothing into the Treasury, but, on the contrary, would have given some parties, in all probability, equitable claims against the State, to a considerable amount. This Act contains the following proviso:

Provided, That any person who has made payment, or payments, in cash, or in State indebtedness receivable for public dues by the State, of twenty-five per cent. of the price which he bid, for any of the lots hereinbefore mentioned, at a sale thereof, made on the twenty-sixth day of December, one thousand eight hundred and fifty-three, by the City of San Francisco, or by the then Mayor, and a Committee composed of persons who are members of the Common Council of said City, shall have a credit to the extent of said twenty-five per cent. upon the purchase by him, at the sale authorized and directed by this Act, of the same lot or lots, or upon which he has paid said twenty-five per cent.

It is a notorious fact that this property has so much depreciated in value since the sale that the credit of twenty-five per cent. would absorb the whole. If it is intended to relinquish the title to the purchasers under the sale of 1853, without any consideration whatever, it certainly can be done without subjecting the State to any expense. It is hardly worth while to employ surveyors to run off lots and streets, printers to advertise, and auctioneers to sell, in order to give away public property.

San Francisco Harbor.—As it is probable that you will be called upon to pass some Act for the preservation of the harbor of San Francisco, it is deemed proper to make a few general remarks on this subject. It seems to be admitted, by all, that the front of the harbor is fast filling up, which must, before long, seriously affect its usefulness and value. Some remedy for this is certainly desirable.

The whole State is directly interested in keeping this harbor what it now is, one of the finest in the world—as our commercial prosperity depends upon it. Looking at it, then, as a State question, it becomes important to us all to abstain from adopting any plan until we are satisfied that it will accomplish the end in view—the preservation of the harbor. A bad plan or a good one, in the hands of unskillful engineers, so far from preserving, might ruin it. The experience of our own country will show that artificial constructions, costing immense sums, have been placed in our harbors and rivers, which have turned out injurious to the channels, and in the end had to be removed. This has occurred in some cases where the Federal Government attempted to improve harbors, but they are more apt to occur where private rights have been allowed to interfere in the work.

The City of Portland, in Maine, found it necessary, some three years since, to organize a commission "for the purpose of obtaining a plan for regulating permanently the line of construction of Portland harbor, and for the general preservation and improvement of the channels and harbor accommodations." Three eminent engineers, distinguished for their science and experience, (Messrs. Totten, Bache, and Davis, of the Coast Survey,) were placed on that Board, and, after a careful examination, they made an elaborate report, and the plan which they recommended was adopted, as I am informed. In New York and Massachusetts, Commissioners have been appointed by the State, to adopt plans and watch over the interests of their harbors.

The front line of the city ought not to be extended beyond its present limits, unless it is found indispensable to the preservation of the harbor, and I can not give my sanction to any plan until scientific and disinterested engineers have pronounced it the proper one to accomplish the object. Private rights, as a matter of course, must be protected, but not at the expense of the public good.

PHYSICIANS AND DRUGGISTS.—I concur with my predecessor in regard to the necessity of a law requiring the examination of Physicians and Druggists. He said: "The successful pursuit of no profession requires more thorough training and experience than the art of healing diseases and preserving the health of mankind, and none is more useful and necessary. But in proportion to the necessity and value of the science of Medicine, when properly understood and applied, are its dangerous and destructive consequences when it is perverted from its legitimate uses, and is attempted to be put in practice by those unacquainted with its precepts and principles. Instances are frequently occurring in which individuals representing themselves to the public as skilled in medical science, have, by their ignorance or carelessness, caused either the protracted suffering or untimely death of their too credulous or unsuspecting victims. There is, perhaps, no country where empiricism is so rife as in this State; and the lives and health of our people are too valuable to be placed at the indiscriminate mercy of arrogant pretenders. The Lawyer, who deals to the greatest extent with our property and pecuniary interests, is compelled to undergo a strict examination as to his qualifications for that profession, but the Physician (into whose hands are intrusted the higher and dearer interests of life and death,) and the vendor of drugs (whose proper office should be to alleviate, instead of to protract, the maladies of the body,) are permitted to pursue their separate callings, regardless of legal restraint or ascertained qualifications."

It might be added that, during the past year, at least two cases have occurred where lives were lost because of the ignorance of the Druggist. Those who perform the duties of Clerks, in drug-stores, should be rigidly examined. A Board of competent persons might be appointed by the State Medical Society, in the respective counties, to perform this duty.

His suggestions in regard to the Congressional elections have in part been carried out by the postponement of the election by the last Legislature. In regard to the propriety of districting the State, I can only say that California ought not to occupy the position of the only State in the Union which elects members by general ticket.

My predecessor called the attention of the Legislature to the necessity of running and establishing the boundary-line between this State and Utah Territory. The population in Carson Valley, and along the western line of Utah, is increasing in number very rapidly, and we can not safely postpone this work longer. The Surveyor-General, acting in conjunction with the Federal officer, could soon, without any great expense, fix this line.

He also directed attention to the necessity of amending the Homestead Act, the Law of Divorces, of Sole Traders, of Evidence in Chancery Cases, of the Insolvent Laws; and, as it is believed that all these laws are defective, the whole subject is commended to your consideration.

AMENDMENTS TO LAWS.

Attachment Law.—Although the Practice Act upon this subject was very much improved at the last session of the Legislature, in my opinion it still requires amendment. It ought to provide for a fair distribution of the assets of the bankrupt amongst his creditors. To the policy of giving priority to the first attaching-creditor, I am opposed, as it is believed that it operates injuriously upon the business of the country. It places the debtor at the mercy of his creditors. It enables an unrelenting Shylock, (and they are found here as well as in other countries,) to crush his debtor, deprive him at once of the possession of his property, and ruin his business. It gives to one, perhaps the most greedy and unscrupulous, that which should be distributed *pro rata* amongst all the creditors of the insolvent debtor. Under this system, too, dishonest debtors find an opportunity to cover up their property and secure it from their creditors.

Primary Elections.—In my Inaugural Address the attention of the Legislature was called to the necessity of adopting some additional law to preserve the purity of elections.

When political parties resort to primary elections, in selecting candidates for the various offices, it is as important that the voice of a majority should be clearly and satisfactorily ascertained at the primary, as at the general election. The primary election may be called a family meeting of the party, for the purpose of settling a question as to who shall receive the support of that family for the respective offices; and surely public policy demands that no fraud should be practiced at that gathering. Take a county where either of the political parties is decidedly in the ascendant, and party discipline enforced, the whole question is settled at the primary meeting, and the subsequent election becomes a mere matter of form.

That frauds have been, and still are, practiced at these primary elections, no one can doubt. That the will of the majority of the party is often disregarded and defeated, by tricksters, is equally certain. Whilst, perhaps, this is the best plan which can be devised, to ascertain the will of the respective parties in regard to candidates; yet, to be useful, they should be conducted fairly and honorably.

Every citizen should be left untrammeled in the exercise of the elective franchise, but the law should take care that no frauds are practiced upon the ballot-box, for that should always speak the voice of a majority of the people.

In some localities a great many respectable citizens decline attending these primary elections, because of the frauds which are practiced by professional politicians, in voting and counting; and, unless laws are passed to check this, a full and fair expression of the popular will can only occasionally be obtained.

Considering it of the greatest importance, in a Government like ours, to prevent frauds upon the elective franchise, I have deemed it proper to recommend this subject to your earnest consideration.

Liquor Licenses.—Some restraints should be imposed upon those who are engaged in retailing liquors. Under the present laws, any one who can pay for a license is authorized to sell, and, as a consequence, there are many persons engaged in this business who are entirely des-

titute of character or responsibility. I would suggest the propriety of amending the law so as to require the applicant to give ten days' public notice of his intention to apply for a license. Let the application be made to the County Judge, who should be authorized to inquire into the moral character and fitness of the applicant for the occupation. If not satisfied on this subject, let the license be refused. Incorporated cities have their own government, and therefore should be excluded from this law. An Act of this character will, it is believed, have a salutary effect in lessening the number of grog-shops, and, consequently, of crime.

GEOLOGICAL SURVEY.

This subject has recently occupied a good deal of public attention, and there can not be a doubt that a survey of this State would furnish very valuable information—to the agricultural and mining interests, particularly. It is true, our territory has been pretty well explored, but the application of science would develope resources now unknown to the people. If there is any State in the Union where a geological survey is necessary, that State is ours. It is already ascertained that nearly all the minerals known to the scientific world are now found in our State. Besides, we have almost every variety of soil.

This subject was first brought to the attention of the Legislature by Hon. Jacob R. Snyder, (now Treasurer of the Mint, etc., in San Francisco,) when a Senator, in 1853. On the 26th of March of that year, he introduced a resolution in the Senate to appoint a committee to wait on Dr. Trask, (who had traversed a portion of the State, and acquired much valuable information,) and request a copy of his report. This was obtained, and 2000 copies printed. On the 6th of May, a Joint Resolution was adopted, requesting him to continue his survey, and on the succeeding day an Act was passed giving him $2000 for his services. On the 15th of May, 1854, an appropriation of $5000 was made to complete his survey of the Coast Range north of 35 degrees of latitude, and certain parts of the Sierra Nevada.

In March, 1855, he reports that he had spent six months and twenty-two days in the field, and sends to the Governor the result of his labors. In the general appropriation of that year, $5000 is given to him, and for the first time he is called "State Geologist." This document occupies some ninety pages, and four thousand copies were printed—two thousand for each branch of the Legislature. It contains very valuable information, but it falls far short of a geological survey of the State.

As this communication is growing rapidly upon my hands, I must here dismiss the subject, with the expression of the opinion that if a geologist of the first rank can be obtained at a reasonable compensation, the public interest will be much advanced by the survey.

Militia.—The Constitution of the United States evidently contemplated that Congress should provide for the regular organization of the Militia of the States. Article I, Section 8, declares that "Congress shall have power to provide for organizing and disciplining the Militia."

Prejudices seemed to have existed on the subject, and hence Congress has not exercised the power, but left the respective States to legislate on the subject. In California we have a system which is sadly defective, and which, in time of war, or difficulty, would be found wholly impracticable.

The Governor is invested with the power of appointing Major-Generals and Brigadier-Generals, but the Adjutant-General, who is on the staff of

the Commander-in-Chief, and a part of his military family, is selected by the Legislature. The duties of Inspector-General, Quartermaster-General and Commissary-General are imposed upon him, and hence the Legislature appoints these four important staff officers for the Commander. Besides, there is no provision made for separating these offices, in time of war, and hence the checks, which every well-regulated system provides, are entirely lost.

In consequence of the absence of the Adjutant-General, (who is now on duty in the field,) no report has been made to me, and therefore the condition of the Militia, during the past year, can not be given.

EDUCATION.

If we desire to elevate the character of society, improve public morals, lessen the number of juvenile offenders, diminish the expense of our Courts and Prisons, we must make ample provision for the education of all.

The records of every prison in the civilized world will show that a very large majority of those who have been incarcerated are uneducated.

Ignorance and crime, although not inseparable, are, nevertheless, closely connected. How much better, how much cheaper, (if you take it as a question of economy,) to pay for the education of a youth, than to defray the expenses of his conviction in Court, and of supporting him for a series of years afterwards in prison.

In at least one of our sister States (Massachusetts), where a sufficient fund has been provided, laws have been enacted compelling the attendance of children in school, and the parents or guardians, or those having them in charge, subjected to a fine for not sending them.

In Austria, in Prussia, in Saxony, and some other European States, attendance upon the public schools is required by law.

If education is regarded so essential, in despotic or monarchical Governments, how much more important is it in a Government like ours, founded upon the will of the People. Our Constitutions, our Laws, our Institutions, are created by the People; and their stability depends upon the general intelligence and enlightened patriotism of the masses.

With an ignorant, debased people, our Constitutions would be ropes of sand, and our Government an idle mockery, giving security to neither person or property.

It required intelligent and educated men to found our Institutions, and it demands the same character of citizens to maintain and perpetuate them.

No one has a right to throw an ignorant uneducated youth upon the community, as the chances are that he will be vicious. I trust, that as soon as an ample fund is provided, some laws may be adopted compelling parents and guardians, having children under their charge, to send them to the schools.

Notwithstanding the difficulties which have surrounded us during our existence as a State, I have no hesitation in affirming, that we have accomplished more during the past five years, for the cause of Education, than any other State in the Union. Colleges, Seminaries, and High Schools, which would reflect honor upon older States, have been established in our cities and towns, where young men are now being educated in the most thorough manner. They are founded upon private enterprise, unaided by Government patronage.

Our Public Schools, to which we contributed, during the past year,

$55,382 71, are doing noble work in educating the masses, and preparing them for the high responsibilities which will ere long devolve upon them.

The report of the Superintendent of Public Instruction will show that there are now 40,530 children in the State, between the ages of four and eighteen. Number under four is 23,558, making the whole number of children 64,088, and of these nearly 2,000 are orphans. The total amount paid to teachers is $203,276, and the number of children attending the Schools, 19,822. The aggregate amount expended for school purposes during the year, $339,914.

The noble men who are devoting their time and energies to the cause of education have already placed our Schools where they will compare favorably with those of other States.

PUBLIC INSTITUTIONS.

Insane Asylum.—The Trustees have placed in my hands a full report of the operations of this institution during the past year. From this it will be seen that there are now 273 patients, being an increase of 85 over the preceding year. The very large number in this Asylum can not fail to attract public attention, for in proportion to population we have a great many more than any of our sister States. A variety of causes have contributed to this result. Thousands have come to our State with the expectation that fortunes could be readily obtained from our mines in a few months. This has proved a delusion, for here, as elsewhere, time, toil, and industry, are indispensable to the accumulation of wealth. Disappointments, blasted hopes, dissipation, and exposure, have contributed towards filling our Asylum with this unfortunate class. But another reason (and a very strong one) why the number, so far, exceeds other communities, may be found in the fact that we have here a great many patients who, in older States, are sent to the poor-house, or supported by private charity. A reference to the report will show that nearly one-fourth of the inmates are cases of mere dementia. Having no poor-houses, and these persons being without kindred or friends here to provide for them, they are thrown upon public charity, and thus crowd the Insane Asylum. Until the counties adopt some system for the support of this helpless class, we must expect an increase, and provision should be made for them.

It is a matter of regret that the Legislature should have allowed the expenses of this institution to exceed the appropriations. There are old debts, contracted prior to the first of January, 1857, amounting in the aggregate to $5,258 18. Besides, there are debts contracted since that time, amounting to $22,397 71. These liabilities were for necessary supplies for the support of the patients, and should have been long since paid. It is gross injustice to these claimants to postpone payment of these equitable demands. Claims which accrued prior to the first of January, 1857, will have to go with those of a similar character, and probably await the action of the people.

The policy of allowing public officers to create a debt or liability against the State ought to be abandoned. Care should be taken to appropriate a sufficient amount to cover all the necessary expenses of the Asylum, and the officers (as is the case with the State-Prison Directors) strictly prohibited from creating a debt. The Board of Examiners ought to be relieved from all connection with the institution, or else invested with the power of auditing its accounts. Under the present system, the Trustees, together with the Resident Physician, make an estimate of the anticipated

expenses, at the first of each month, and this is submitted to the Board of Examiners for their approval. As the Trustees alone pass upon the accounts, they never report to the Examiners either a surplus or a deficiency; of course they can know nothing as to the manner in which the money has been expended.

The expenses for the next fiscal year are estimated, by the Resident Physician, at seventy-two thousand dollars. Whilst economy is desirable in every department of the Government, the wants of this institution should be amply provided for. There are some appropriations asked for, which, in the present condition of our finances, would be hardly justifiable. I allude to those which are ornamental rather than useful. The necessary expenses will, in all probability, amount to the sum recommended.

Having visited this institution during the past year, and given some personal attention to it, I take great pleasure in saying that the officers are able and faithful. By their skill and unremitting attention, they have placed it where we would not suffer by a comparison with the older States.

State-Prison.—As the Governor is a member of the Board of Directors having this institution in charge, who are required by law to report fully, and in detail, on the first proximo, only a few general remarks can be made in this communication.

There are now five hundred and eighty-five prisoners confined at San Quentin, and this large number can not fail to excite attention, both at home and abroad. We would suffer very much by a comparison with other States in this regard. The discovery of gold on this coast threw a large number of young men upon us, from the Atlantic States. Many of them ardent, inexperienced youths, who had been tenderly raised, under the parental roof, but finding that gold was then so easily obtained, forgot the lessons which they had been taught, and became addicted to the vices (drinking and gambling) which in the early settlement of the State prevailed to such an alarming extent, and are now paying the penalty in the Prison. As many of them are there under fictitious names, their disgrace is unknown to distant kindred and friends. But a majority of the convicts are foreigners by birth. Our proximity to the former penal colonies of Great Britain forced upon us a large number of the most desperate and hardened villains who ever disgraced human nature. The South and Central American States, and, indeed, every portion of the habitable globe, contributed their share towards swelling this immense army of ruffians. Besides, Criminal Courts, in the early years of our State, owing to the prevalence of crime, sentenced prisoners for very long terms, and, consequently, many old cases are still on hand.

The financial department will exhibit a great reduction in the expenses of the institution; whilst the physical comforts of the convicts have been very much increased. So far as this is concerned, it is apprehended that there will be no complaints from any quarter. The accommodations at San Quentin are not suitable for more than 300, or 350 at the most. It is utterly impossible to adopt any reformatory system, where fifty or sixty prisoners are oftentimes thrown promiscuously together—the young and the old, the novice and the hardened villain. Their physical wants have been properly cared for during the past year, but as to the improvement of their morals or their intellects, nothing has been done—nothing can be done until the difficulty to which I have alluded is obviated. Until additional buildings are provided, so as to separate these

convicts, and classify them, that institution must stand a disgrace to the State—a disgrace to humanity. I speak strongly, because I have devoted much of my time to this institution during the past year, and, although the accommodations have been increased, and the condition of the prisoners vastly improved, yet it falls so far short of what a prison should be, that I could not speak otherwise. The language of Sydney Smith, when speaking of the Prisons in Great Britain, in 1821, is not inapplicable to ours.

"There are," said he, "in every county in England large Public Schools—maintained at the expense of the county—for the encouragement of profligacy and vice, and for providing a proper succession of housebreakers, profligates, and thieves. They are schools, too, conducted without the smallest degree of partiality or favor, there being no man, however mean his birth or obscure his situation, who may not easily procure admission to them. The moment any young person evinces the slightest propensity for these pursuits, he is provided with food, clothing, and lodging, and put to his studies, under the most accomplished thieves and cut-throats the country can supply."

Unless something is done speedily to provide for the accommodation of this army of convicts, the Executive may be compelled to pardon some of them, with a view to their transportation beyond the State. The law of self-preservation may compel me to throw them upon other communities.

The immediate purchase of a site for a Branch Prison, and the commencement of the work, should no longer be delayed.* In my deliberate opinion, more than one-half of those now confined will return again to the prison if they remain in the State, and eight out of ten of those now being discharged will come out worse men than they were when they entered. Your attention, therefore, is most earnestly invoked to this subject.

Schools of Reform.—The attention of the Legislature has frequently been called to the necessity of providing some suitable place for juvenile offenders, and at the last session an Act was passed for the establishment of an "Industrial School" in the County of San Francisco. This is, however, a local institution, and only provides for that county. If it proves successful, (as, no doubt, will be the case,) arrangements should be made for extending its benefits to the other counties of the State. If the consent of the Directors could be obtained, a small appropriation from the State Treasury, annually, would effect this desirable object—at least until the finances would justify us in establishing a State institution.

As it is understood that the buildings for this school are about being erected, I would suggest the propriety of authorizing the State-Prison Directors to furnish the necessary brick and stone, to be reimbursed hereafter by the support of juvenile offenders from other counties of the State.

Although, of course, a larger number of these reckless and wayward youth are congregated in San Francisco than elsewhere within our borders, yet, unfortunately, they are to be found in almost every section of the State. Many of them are here without parents or guardians to control them, and unless some provision is made to reform them, the probability is, that as soon as they are legally liable they will be incarcerated in the State-Prison. In several of our sister States, institutions of this character have been established, and much good has been effected. Indeed, many of them have been pre-eminently successful. Seventeen Houses of

*The State-Prison Directors will explain why a site was not purchased under the Act of the last Legislature.

Reform, established between 1825 and 1856, had received 20,658 of these juvenile offenders. Of this number, 16,847 were boys, and 3,811 girls. The average of reform is set down at *seventy-five per cent.* By turning to the books of our Prison, it is found that 300 persons have been incarcerated, under the age of 21 years, since the establishment of the Prison. I have no means of ascertaining the number of this class confined in the County-Jails and City-Prisons, but there can not be a doubt that it is equal to the number sent to the State-Prison, making some six hundred. These statements ought to be sufficient to direct the serious attention of the Legislature to this subject. Of the 218 minors discharged from the State-Prison, it is exceedingly doubtful whether one-tenth of them have reformed and become useful members of society. The chances are, that they came out confirmed villains; indeed, there are many of them confined for the second (and there are cases of the third) offence.

In view of this state of things, it seems to me that no minor should be sent to the State-Prison for the first offence. He can receive more care, attention, and instruction, in the County-Jail, and be kept from an association with old offenders who would ruin him. He may be reformed in the County Jail, but in the State-Prison the chances are ten to one against him.

PARDONING POWER.

The Governor is charged with no duty more delicate, more embarrassing, or more painful, than that of deciding upon petitions for pardon. These petitions are oftentimes numerously signed by respectable citizens, and occasionally pressed by the streaming tears of broken-hearted kindred. To resist such appeals requires a strength and steadiness of nerve approximating stoicism, and a deafness to the cries of the afflicted which resembles indifference to human woe. The friends, and often relatives, of unfortunate convicts, have, during the past year, implored Executive clemency in no less than twenty cases where a sense of public duty compelled me to turn a deaf ear. If I had allowed sympathy to have controlled my actions, a great many now in prison would be at large. Applications were made to commute punishment from death to imprisonment, in four different cases. The Supreme Court having decided that this power is vested in the Governor by the Constitution, the record in each case was carefully examined, and, although it pained me much to refuse to save the life of a fellow-being, I could not obtain the consent of my judgment to grant the commutation. The law makes murder in the first degree a capital offence, and where the testimony and all the facts leave no doubt on my mind that that crime has been committed, I can not interpose. With the wisdom of the law I have nothing to do—it is simply my duty to see that it is executed.

In some cases, pardons were granted where I was induced to believe that the prisoner had been sufficiently punished, and in two instances, at least, I regret to say that I was deceived. During the early years of our State, in consequence of the increasing and alarming number of crimes being perpetrated, Courts and juries, under the very natural excitement produced by such a state of things, sentenced prisoners for very long terms—frequently, ten years for a single act of grand larceny. Sound policy, in my judgment, demands that for the first offence, in a felony of this character, five years should be the maximum punishment. If one of the leading objects of punishment be to reform the criminal, (and this should be, with all enlightened legislators,) this can not be obtained by

long sentences. Where there is any hope of a reformation, the imprisonment should never exceed the period I have suggested.

As an inducement to obey the rules of the Prison, and lead honest lives after their discharge, I have adopted the policy of restoring them to citizenship, where evidence was given of good conduct and a disposition to reform. I have the most satisfactory assurance that this has had a salutary effect, at least upon the conduct of the prisoners. In exercising the pardoning power, I have been at all times governed by what I considered the public good;—the record in each case, closely examined, and the facts, rather than the character or number of the petitioners, decided it. In discharging this duty, I have neither stopped to count the number or consult public sentiment. The approval of my own conscience is sufficient when in the discharge of a delicate duty of this character.

The list of pardons which the Constitution requires the Executive to send to the Legislature at the commencement of the session, is herewith transmitted. As this power is given to the Governor, in the most unqualified terms, the Legislature can not pass a law requiring him to assign his reasons, in each particular case, for exercising it. This course has been adopted by me, however, and will be pursued in the future. A "pardon docket" has been prepared, in which are recorded the grounds relied upon, as stated in the petition, the names of the signers who are known to the Governor, and briefly the reasons for granting or rejecting the prayer. The publication of this, will, at all events, show the people (who have morally, if not constitutionally, a right to know) the grounds upon which the power was exercised. As my predecessor omitted sending a list of pardons granted during his administration, the Secretary of State was directed to make one out from the records of his office, which is also herewith transmitted.*

In most of the States, this power, which is so liable to be abused, is guarded by constitutional provisions. In Virginia, Delaware, Maryland, Ohio, Michigan, and Wisconsin, the Governor is required to give to the Legislature his reasons for its exercise. In Maine, New Hampshire, Vermont, Massachusetts, and Connecticut, the power is vested absolutely in the Governor and Council. In New Jersey, in the Governor and the six Judges of the Court of Errors. In Indiana, it is placed in the hands of the Governor; but the General Assembly may organize a Council, in which it can be vested. In the other States, it is given in general terms to the Executive alone. In Kentucky, however, although it is given to the Governor, in cases of conviction for dueling the power is suspended until the lapse of five years after the crime was committed. There are provisions in the Constitutions of several of the States, that, in case of murder, the Governor can only reprieve until the Legislature is in session.

CIVIL FUND.

All of my predecessors have, in their Annual Messages, called the attention of the Legislature to our claims against the Federal Government, on account of revenue collected from our people, prior to admission into the Union. I refer to this subject, because silence might be construed into an abandonment of this just and meritorious demand.

The amount of this fund collected, whilst we were wholly unrepresented in the Federal Government, according to the statement of my immediate

* A list is also sent of those who were pardoned by Gov. Bigler, but omitted in his report

predecessor, amounts to $2,968,748 40; from this, deduct amount paid out for expenses of Constitutional Convention and relief of emigrants, ($262, 286 27,) leaving a balance of $2,706,512 13.

Joint Resolutions have been repeatedly passed, instructing our Senators and requesting our Representatives to urge the payment; and efforts have been made, time and again, to obtain it. Thus far, we have been unsuccessful, but it is hoped that Congress will no longer delay the liquidation of so equitable a demand.

If this fund had been turned over, as it should have been, upon the organization of our State Government, and we had been more fortunate in the selection of public agents, our finances would never have been embarrassed. Instead of being compelled (as was the case in 1850) to borrow $300,000, at 36 per cent. per annum, the machinery of our Government could have been set in motion, and all expenses promptly paid until we had ample time to digest a revenue system, and provide for the future. A failure to receive this fund, extravagance, and corruption in some public agents, have thrown upon us, at the end of eight years, a debt, as has already been shown, of more than four millions of dollars.

INDIANS.

The Act of Congress of 1852, authorizing the President to select five Military Reservations, in or near this State, upon which the Indians could be placed, met with considerable opposition amongst our citizens. Two of my predecessors, in their Annual Messages, called the attention of the Legislature to this subject, and strongly remonstrated against the policy. Having, in a different position, taken an active part in the inauguration of this system, I deem it proper to submit a few observations in regard to it.

The settled policy of the Federal Government, for many years, had been to remove the Indians from the States where they were found, to the immense region, then unoccupied, west of the Mississippi. This policy in a few years transferred most of this population beyond the white settlements, and placed them where they could follow their accustomed occupations (hunting, fishing, and fighting) unmolested. But such has been the rapid growth of our country, that territory, which little more than a quarter of a century ago was the extreme frontier of civilization, is now the centre of the Republic. The civilized man has crowded into the hunting-grounds of the Indians, demolished their wigwams, and built up cities and towns in their stead. The game was driven still further to the West, and they were compelled to follow, or be crushed by the onward march of the white man. In 1848, we acquired an immense territory on the Pacific, and the discovery of gold produced a flood of emigration to our shores, scarcely paralleled in the history of our race. Here we found (in California alone) some 75,000 Indians, scattered over the territory in every direction, and the work commenced of pushing them back towards the East. For them there was no longer a West. In the meanwhile, Kansas, Nebraska, Utah, and New Mexico, are being peopled, and between these two great armies of civilization it required no prophet to foresee that destruction was inevitable. To soften the blow, to prolong as much as possible their existence, and, as far as in our power, alleviate the sufferings brought upon them by the resistless march of civilization, were demanded by every principle of honor and humanity. In this condition of things, it was believed, by those who represented the State and the people of California, in Congress, that in a vast territory like ours,

covering 189,000 square miles, and extending ten degrees of latitude on the coast, that Reservations might be made, to which the Indians could be transferred, where, under the fostering care of the Federal Government, and the protection of a military force, they could be made comparatively comfortable and happy. It was supposed that upon these Reservations the young could be taught the art of agriculture, and their minds disabused of the opinion (common to all savage races) that labor is dishonorable. That, seeing the advantages which it secured to the white man, they would eventually abandon their wandering and predatory habits. Reservations were accordingly made, implements of agriculture obtained, large quantities of stock purchased, and extensive fields opened. It was confidently predicted, by the friends of this system, that in three or four years the labor of the Indians would be sufficient to support them. In this we have been much mistaken, although liberal appropriations have been made from time to time by the Federal Government. I do not say that no good whatever has been accomplished, so far as protecting the Indians is concerned, but the benefits are sadly disproportioned to the expenditures. For the pay of officers, employees, traveling expenses, etc., there were appropriated, in the years—

1853	$250,000
1854	225,000
1855	358,150
1856	202,000
1857	179,000
1858	252,000
	$1,446,150

making near a million and a half of dollars expended in six years upon them. From the most reliable information I can obtain, there are not, upon all these Reservations, more than three or four thousand Indians, and upon the one which gave greatest promise of usefulness, (Sebastian,) there are not more than two or three hundred.

Previous to the year 1853, the Federal Government had expended one hundred and eighty-one thousand seven hundred and fifty dollars, and its agents had contracted debts for the support of the Indians to the amount of some eight hundred thousand dollars. Of this debt, about two hundred and twenty-five thousand dollars have been paid. If you take our Indian War Debt, assumed and paid, ($924,259,) and add to this our outstanding War-Bonds, amounting to $245,374, which must be ultimately paid by the Federal Government—you have an expenditure on account of our Indians of, in round numbers, three millions of dollars.

But in this calculation I have not attempted to compute the enormous expenses incurred in keeping Federal troops in our State to protect us from them.

I fear that it will be found very difficult, if not impossible, to adopt any plan which will prolong the existence of the Indian tribes in California for any considerable period. They are fast fading away, particularly those who are located in the vicinity of our towns and settlements. The vices of the white men, which they readily adopt, will soon remove them from amongst us. The trees from which they obtained their food destroyed, the fish driven from the streams where they were once found in abundance, starvation will carry off thousands, whilst many will fall vic-

tims to the barbarity of bad men of our own race. That which we complain of in savages, we too often practice ourselves. When a citizen is killed by an Indian, no matter what the provocation may have been, pursuit is at once made, and the first of his tribe who may be caught—be he high or low—is lawlessly butchered. Instead of hunting up the guilty, the innocent and harmless are thus oftentimes sacrificed.

AGRICULTURE AND MINING.

The Legislature has annually appropriated five thousand dollars ($5000) towards defraying the expenses of the State Agricultural Society, incorporated in 1854, and the money has, as it is believed, been usefully expended. I regret, however, to say that the Recording Secretary has failed to report to me, as required by law. The whole amount expended during the year, by the Society, was $28,131, as I am informed. This interest is increasing in importance, and vast quantities of the rich and fertile lands in our valleys are being rapidly reduced to cultivation. The difficulties which existed in consequence of the unsettled condition of land-titles, are being removed, and a large amount of public land is advertised for sale next month. In the meantime, substantial farm-houses and orchards, with the fruits of the North and South, are springing up as if by magic, in every direction. The meeting at Marysville the past year was well attended, and the exhibition of stock and agricultural products would have reflected credit upon much older States. The spirit of rivalry has been gotten up amongst the farmers, which is doing much towards the improvement of stock, and developing our immense agricultural resources.

In the cultivation of the grape and the manufacture of wine, we already stand foremost amongst our brethren. This interest has increased one hundred and fifty per cent. in two years. The number of vines in 1858 is 3,954,548—nearly 4,000,000. Of this number, one-third is found in a single county—Los Angeles. The average yield of each vine is estimated at fourteen pounds. The quantity of wine manufactured during the year is 385,000 gallons, and of brandies 10,000, making an aggregate of nearly 400,000 gallons. An examination of the Federal Census of 1850 will show that this is nearly double the amount manufactured that year in the entire Union.

The grape is now cultivated in every portion of the State—in our mountains and in our valleys—and it can scarcely be doubted that in 1860 we will manufacture 1,000,000 gallons. It will thus be perceived that the exportation of wines and brandies will soon become of great importance, and contribute much to the prosperity of the State. The products of the vine (including grapes and raisins) now imported into the United states, may safely be set down at nearly seven (adulteration to thirty-five) millions dollars in value.

The soil and climate of California have been found admirably adapted to the rearing of sheep, and a great deal of attention is being directed to this subject. Large flocks have been brought into this State during the past year, and our wool has already found its way into the Eastern market, and attracted the attention of the manufacturer. We exported, during the past year, 1,351,671 pounds, valued at $189,634, in this market. In my opinion, the time has arrived when coarse woolens can be profitably manufactured here, and it is matter of surprise that capitalists do not engage in it. We are sending millions of dollars abroad, to purchase necessaries which ought to be raised or manufactured at home. It is true, our mines yield

abundantly, but a large portion of gold is sent abroad to seek investment, or pay for our food and clothing. Besides, there are many persons here extensively engaged in business, who regularly remit their earnings to the East to support their families. How many thousands there are now in the Atlantic States, who are supported directly by the wealth which is extracted from our soil. In the early settlement of the State, this was to be expected, as we had but few of the comforts of life to induce families to come amongst us. Besides, the cost of getting here, and expenses of living, were then enormous. Now, the opening of different routes from the East, by land and water, has reduced the expenses of traveling, whilst the cost of living is much diminished. We have, too, our well-built cities and towns; our beautifully cultivated fields, orchards, and gardens; our happy homes; our churches and colleges; our seminaries and schools; our ministers and teachers; our libraries and literary associations; our magazines and newspapers, religious, scientific, agricultural, literary, and political; our railroads and telegraphs; our ships, steamboats, and stages; and there is no longer any reason why so many of our citizens should support their families and educate their children in the East. It is not an overestimate, if we put the amount thus annually sent out of the State, at ten millions of dollars. In addition to this, a very large amount is sent abroad for investment, in consequence of the hitherto unsettled condition of land-titles. These are serious difficulties which now lay in our path to prosperity, and, until removed, we can scarcely hope to make very rapid progress.

Returning again to the agricultural interest, the statistics show that the number of sheep now in the State is not less than 650,000: being more than double the number we had in 1856. The increase in horses during that period is 43,000, and in cattle, 120,000. The exports of hides during the past year, amounted to $516,712. The quantity of land cultivated in 1856, was 511,963 acres; in 1858, 756,734—being an increase of 244,771 acres. This is exclusive of land fenced in for grazing purposes. The crop of wheat, for the year 1858, is set down at 3,568,669 bushels; and that of barley, at 5,382,717. This is 218,798 more bushels of barley than the amount raised in the whole Union in 1850, according to the census.

The Supreme Court having pronounced the Act of March 26th, 1856, entitled "An Act for the Protection of Actual Settlers, and to quiet Land-Titles in this State," unconstitutional, it is, therefore, a dead letter. It is important that some provision should be made to protect the Settler, who has gone upon what was generally supposed to be public land, and bestowed his labor in improving it. The Surveyor-General of the United States, acting, no doubt, under instructions from Washington, in establishing the boundaries of some floating grants, has converted into private, what was heretofore regarded as public land. In some instances, Settlers, desiring to locate upon the public domain, and anxious to make improvements thereon, have gone to the grantees, and ascertained from them their boundaries. Relying upon the information thus obtained, they have opened farms, planted orchards, and made valuable improvements, outside, as they supposed, of the grant; but which, by allowing the grantee to change his boundaries, is now found covered by it. In all these cases the whole constitutional power of the State should be exercised to protect the Settler. To permit the holders of these floating grants to change their lines, so as to appropriate the labor of others to their use, is the rankest injustice, and ought not to be tolerated.

The mining interest is rapidly increasing in importance in almost every

section of the State. We have not only gold and silver, but copper and iron, sulphate of iron, magnetic iron, platinum, chromium, gypsum, nickel, antimony, bismuth, sulphur, and cinnabar. We are exporting large quantities of the latter mineral. We have also coal, salt, saltpetre, borax, marble, granite, alabaster, buhr stone, and lime. I may be indulged in giving some statistics obtained from an invaluable work (California Register) recently published by Messrs. Langley & Morrison.*

The prosperity of the gold mining may be found in the vast increase in the number of mills and ditches. There are now five thousand seven hundred and twenty-six miles of artificial water-courses constructed for mining purposes, at an expense of thirteen and a half millions of dollars; and this will be very much extended during the present year, as there are thousands of acres of rich mineral lands undeveloped for want of water. These ditches are mainly constructed by the miners, and are still owned by them—very few having as yet fallen into the hands of capitalists.

The quartz-mining has become more permanent, and has increased in importance during the past year. The improvements in machinery, which are constantly being made, will soon place this interest amongst the first in the State. In April, 1857, the number of mills is stated at 138, with an aggregate of 1521 stamps. The cost of erection $1,763,000. On the first of November, 1858, the number of mills in operation was 279, with an aggregate of 2610 stamps. The cost of machinery is estimated at $3,275,000. In addition to this, there are 519 arastras, some of which are connected with the quartz-mills.

To prove the extraordinary richness of the quartz in some localities, it is stated on reliable authority, that from sixty-three tons, taken from a vein in Nevada County, $22,000 were obtained.

Grist-Mills.—The number in the State is 135, with a run of stone 297. The aggregate capacity of these mills is 2,466,380 barrels per annum. The cost of erection a fraction less than $3,000,000.

Lumber and Saw-Mills.—The number of these mills is 388, costing $2,500,000, with an aggregate capacity of 500,000,000 feet per annum.

Grains.—Experience has amply established the fact, that in grain, (especially small grain,) no lands in the United States will produce more abundantly than ours. Indeed, we might challenge the world to an exhibition of agricultural products. In some localities, the past season was unfavorable to crops, and yet the yield will bear a comparison with other States.†

COMMERCE—WHALE FISHERIES.

For more than half a century our whaling-fleets have been accustomed to refit at the Sandwich Islands—although, during that period, the harbors of California were known to be the best in the world. The reason for this may be found in the fact, that during that time the people of this coast had but very limited commercial relations with our Atlantic possessions. Distant from the centre of Government, its advantages scarcely known, California was commercially regarded as a *terra incognita*.

* My thanks are due to these gentlemen for advance sheets.

† Tables have been prepared, showing the agricultural productions of the State, but the length of the Message induced the Governor to withhold them.

But its acquisition and settlement by our people soon attracted the attention of the commercial world to the importance of our harbors. Immediately after, followed the discovery of gold, and immense fleets visited our shores, the crews of which, excited by the richness of our mines, soon left them unmanned. The frequency of desertion at that time prevented whalers from visiting our ports, as it was a matter of uncertainty whether they could obtain sufficient crew to take them out again. This fact, united with the then high cost of supplies, port-charges, the want of facilities for repairs, and exposure to vexatious law-suits, induced this immense interest to rendezvous at the Sandwich Islands. Some of the difficulties which existed a few years ago have been removed, to a great extent, by time and legislation, and at the present moment our ports offer greater inducements, as the depot of the whaling-fleets, than the Island ports of the Pacific. The pilotage has been reduced to a mere nominal sum—one dollar per foot on draught of water. Our coast is studded with light-houses, and the dry-dock at Mare Island presents, at a price but little higher than in the Atlantic States, the best facilities for repairs; while seamen can always be found to ship at rates differing but little from those obtaining elsewhere. In San Francisco, supplies of every description necessary for a whaling-voyage, can be obtained at rates far lower than in the Sandwich Islands. The apprehension that sailors may desert is now more imaginary than real. It is a notorious fact, that in the port of San Francisco sufficient numbers of seamen can be obtained for any voyage. Within the past few years, no vessel has experienced serious difficulty in leaving that harbor, for want of a sufficient crew. It is quite probable that heretofore difficulties have been thrown in the way of ship-masters, and temptation presented to seamen to desert, but these causes have been partially removed, and, by the creation of a tribunal similar to that existing in New York, may be wholly obviated. This may be accomplished by devolving the duties of Marine Judge upon some Justice of the Peace, in conformity with the Act of Congress of twentieth July, 1790. To effect this object, an Act should be passed, authorizing the people of San Francisco to vote for one Justice of the Peace, who should be styled Judge of the Marine Court, and for the services he would be required to perform in this capacity, he should receive a reasonable compensation from the State.

Inasmuch as the whalemen are not entitled to the privilege of entering the United States Marine Hospital, the City of San Francisco might permit the sick or disabled seaman admission into the County Hospital, at a tariff so low as merely to cover the cost of his maintenance. It can scarcely be believed that, looking to the interests of the city, they would be unwilling to do this.

The advantage of obtaining this immense trade must be apparent to all, when it is remembered that six hundred and fifty vessels, of the largest class, manned by over eighteen thousand seamen, and representing a capital of more than twenty millions of dollars, are engaged therein. Every class of the community is deeply interested in making San Francisco the depot of this immense fleet.

If whalers are fitted out in that port, the lessening of the voyage, caused by our proximity to the whaling-grounds, and to the fact that our market offers a good point for the disposal of the oil, or for its shipment eastward by returning clippers, at low freights, would materially lessen the inducements to desertion, as no doublings of the Cape would be required of the whalemen. San Francisco is the most favorable point for receiving orders from owners, and for negotiating exchange, and I shall

be much disappointed if, ere long, its advantages for this trade are not fully appreciated.

The recent treaties made between the United States and the Chinese and Japanese Empires, must have a powerful influence in sending the blessings of civilization into immense regions, where for centuries Paganism and Superstition have held undisputed sway. The opening of some of the principal ports of a country swarming with a population of four hundred millions, must increase our commerce, and add immensely to the trade of the Pacific. Give us a Railroad across the continent, a line of steamers from our shores to Asia, and, ere the present century closes, there will be more commerce floating on the Pacific Ocean than upon the Atlantic. California will then stand amongst the richest and most powerful States of the Union, and America will command the commerce of the world.

We have cause to rejoice that an immense Empire is at last subjected to the jurisdiction of the law of nations, and we can not doubt that the great maritime powers with whom these treaties have been made, will see that they are observed. With Western Europe and America on the one side, and Russia on the other, each striving for the control of Asiatic commerce, it is quite probable that the car of civilization may travel more rapidly than the poor, benighted Chinese and Japanese can bear, and millions may be crushed in its onward course. It may require ages to civilize and Christianize the debased Asiatics, but, in the Providence of God, it will be accomplished, and the field where the Fishermen of Gallilee labored, will again be filled with the teachers of the holy religion of our Saviour.

WAGON-ROADS—OVERLAND MAIL.

The appropriation of five hundred and fifty thousand dollars by the Federal Government, in 1857, to the construction of roads through Utah and New Mexico, in this direction, and the prompt establishment of Mail-routes over them, have given great satisfaction to our people. It has already done much towards destroying that feeling of isolation which in past years sometimes came over us, and chilled that fraternal affection which ought to exist among members of the same family. Californians can now revisit their former homes without passing through foreign and inhospitable climates, and encountering the dangers of boisterous oceans. The rivalry which has been gotten up between the different routes will soon remove the difficulties which now obstruct the regularity of travel. Indeed, the only serious obstacle will be found in the Indians who infest the region over which these roads pass, and we must look to the Federal Government to remove this. The establishment of a few strong posts, or the marching of a well-appointed command occasionally over them, would give security until the settlements became sufficiently strong and numerous to protect themselves. I do not doubt that marching the Sixth Infantry of the U. S. Army through the Territory of Utah, during the past summer, to our State, will exercise a beneficial influence upon these savages, and do much towards securing their future good conduct. A march of a full regiment of infantry through an almost unbroken wilderness, for a distance of more than two thousand miles, is a feat of which Americans may well feel proud.

But, after all, the wants of the Republic begin to demand, in a voice too significant to be disregarded, the construction of a Railroad. If private enterprise is properly aided by advances from the Federal Treasu-

ry, it can not be doubted that this, the great work of the age, will ere long be accomplished. Our present able and patriotic Chief Magistrate has again directed the attention of Congress to this subject, and warmly recommended speedy action. We have the strongest assurances that a bill will pass at the present session. The Federal Government is now paying, for the transportation of troops, supplies, etc., for the army and navy, and for carrying mails, more than five per cent. per annum on the estimated cost of the road.

The political influence of these Roads and Overland Mails must soon be felt in every portion of the Republic. By bringing the people of the respective States in closer contact with each other, the prejudices which distance and separation so frequently generate, will give way, and we will fully appreciate the fact that we are all one family, jointly interested in perpetuating that noble Constitution which has given us a high and honorable position amongst the nations of the earth. Forgetting whether Providence cast our lots in the North or in the South, we can all kneel at the same altar, and with sincere hearts pledge the energies of our souls to the maintenance of the Union. May we not hope that the violence of party contests will abate, and that a true fraternal feeling will be cultivated amongst the sovereigns now composing the Republic. California, although amongst the youngest of them, will act wisely in avoiding the discussion of those questions which are now, unfortunately, distracting other communities; and, by directing all her efforts to the development of our agricultural, mineral, and commercial resources, place herself amongst the brightest stars in the Federal Galaxy. Still firmly adhering to the compromises of the Constitution, let us leave other communities to discuss slavery in the Territories, whilst we are devising ways and means to elevate the social, moral, and political character of our own people. In this work we can find full employment for our minds and bodies. Whilst, as Americans, we are ready to stand by the Federal Government, and protect it, if necessary, with our lives, from all assaults, foreign or domestic, let us remember that, as Californians, we have a duty to perform at home. Institutions are to be founded here, upon the Pacific, which must forever stand as monuments of our wisdom or of our folly. Although now in the tenth year since our organization, much still remains to be done, in order to give us that proud name amongst our sister States to which our position and resources entitle us.

The emigration from Europe to America is immense, and yet but a small portion of it reaches the shores of the Pacific. A great many, no doubt, leave their native land with a view to unite their destinies with ours, but upon their arrival in the principal port, New York, are persuaded to make their homes in the Atlantic States. Railroad companies and land speculators have their agents to look after these emigrants, and induce them to locate in Kansas, Nebraska, or some of the adjacent States. This improves the value of stock in the railroad and land companies, but seriously affects us. It can not be questioned that a large number are thus diverted from this direction. This can not be remedied in any other way than by securing a direct communication between some of the European ports and our own harbors. This may be effected by private enterprise, but it is a serious question whether sound policy would not require that the State should aid in its accomplishment. Under the Constitution, the Legislature is prohibited from loaning the credit of the State to any company or association, but, if it is thought desirable, an amendment, to cover this particular case, might be submitted to the people for their approval or rejection.

A large number of these emigrants are agriculturists, from the South of Europe, and their labor would be of immense value to us in developing our resources. Many of them are from the grape-growing sections of Europe, and here they would find a rich field for their industry.

My principal object, however, in alluding to this subject, is that public attention may be directed to it.

EXECUTION OF THE LAW.

It is made my duty, by the Constitution, "to see that the law is faithfully executed." I deeply regret to say, that during the past year I have in several instances been compelled to know that it was shamefully violated. Since the adjournment of the last Legislature I have learned, through the public press, (not a single case having been reported to me officially,) that some seven or eight persons, in different sections of the State, have been executed in violation of the law. It was hoped that the feverish excitement produced by the loose manner in which the criminal laws were administered, some years since, had passed away, and that Californians had become a law-abiding people. Now that these abuses have been corrected, we had a right to expect that the law would be allowed to take its course, and no one executed until his guilt was fully established in the judicial tribunals. There can be no security for either person or property, where such outrages are tolerated. In the wild excitement produced by the commission of an atrocious crime, men seem to forget that the only safety is in the maintenance of the law. So far as my observation extends, they are honestly administered in our Criminal Courts, and these summary executions are therefore without any palliating circumstances. The Executive has already, perhaps, all the power which under our form of Government can safely be intrusted to him, and the evil can only be corrected when an enlightened public opinion shall demonstrate to all the necessity of standing by the laws, and seeing that they are respected. The Governor is powerless, when the County officers, Courts, and juries, neglect or refuse to discharge their duty. It is true, that these acts were perpetrated by a few excited and reckless men, but it is clearly the duty of all good citizens to aid in bringing them to justice.

The frequent recurrence of these executions, and the total failure of Courts or juries to prosecute, is calculated to retard the settlement of the State, and turn the tide of emigration in a different direction. Men will not like to bring their families into a community where their lives and property are at the mercy of an infuriated populace. These lawless acts are doing incalculable injury to us abroad, because they make the impression that the bad men outnumber the good, or else that the Criminal Courts utterly fail to perform their duty. It would be humiliating to be compelled to admit the truth of either. Good citizens should hunt up the testimony, and see that indictments are presented against these men, who are striking at the vitals of society. When bad men unite to take the law into their own hands, to avenge their wrongs, whether real or imaginary, good citizens must combine to bring them to punishment, or else there is an end to all Government. Indeed, if these unlawful executions are not arrested, our noble State, with all her wealth and inexhaustible resources, will soon stand disgraced before the civilized world.

PROPOSITION.

The Ladies of America, with commendable patriotism, have succeeded in purchasing that portion of the Mount Vernon estate which contains the remains of the illustrious Washington, and the buildings which he once occupied. In the meanwhile, the sterner sex have allowed the work on the Monument (which was commenced at Washington City many years since,) to stop, and during the past three years not a foot has been added to its height. It is due to the character of the age in which we live, that this great national work should be completed, and, as individual subscriptions have failed, I suggest the propriety of passing a Joint Resolution, proposing to our sister States the plan of an appropriation by each, in proportion to population, to finish it. Let the people of America, through their respective State Governments, erect this noble shaft to the memory of that man who has been justly called "The Father of his Country." The Federal Government might be represented in this patriotic work, by placing the general direction of it under the control of the President and his Cabinet, with power to appoint a Superintendent, and such other officers as might be found necessary.

As the number who can work on the shaft is very limited, it will necessarily take many years to complete it, and the annual tax on each State would never be felt. I am sure that the citizens of California will not hesitate to contribute their share.

It is believed that the disease which proved fatal to President Taylor, on the 9th of July, 1850, was brought on by exposure to the extreme heat on the 4th of that month, whilst, with others, commemorating the Anniversary of Independence, at the base of this monument; and when his lamp of life was flickering in its socket, the wandering mind of this brave and patriotic man fixed for a moment on the interesting scene in which he had been an actor, but a few days before, and he exclaimed, as if with his dying breath, "*Let it rise—let it ascend without interruption—let it point to the skies—let it stand forever, as a lasting monument of the gratitude and affection of a free people to the Father of his Country!*"

Gentlemen of the Senate and Assembly :—I have, it is feared, imperfectly discharged the duty enjoined upon me, as the Executive of the State; but, as you come directly from the people, it is not doubted that you fully understand their wants and wishes. Two subjects of public importance have been omitted, because of the extreme length of this communication, and for the reason that I am not now in possession of the information necessary to enable me to address you—I allude to *public lands* and our *Indian difficulties* during the past year. These, together with other matters, will be made the subjects of a Special Message hereafter.

Invoking the blessings of the Giver of all Good upon your labors, and trusting that your session will be short, and profitable to the State,

I am, with the highest consideration,

Your obedient servant,

JOHN B. WELLER.

EXHIBIT

Of Revenue paid into the State Treasury by the different Counties, with the Expenses of Collection, and the Per Centage thereon, for the Year ending December 31, 1858, together with the Balances due the State from sundry Counties, and the date at which said Balances accrued.

COUNTIES.	Total amount received	Amount paid into the Treasury	Expense of Collection	Cost Per Cent	BALANCES DUE THE STATE FROM SUNDRY COUNTIES.	
Alameda.....*a*	$22,761 85	$20,236 87	$2,524 98	12 5-10	July 23, 1855.....	* $1,395 42
Amador.....	32,437 50	29,839 89	2,597 61	8 7-10	December 16, 1857.....	1,626 78
Butte.....	58,966 57	54,653 92	4,312 65	7 7-10	.....	.....
Calaveras.....	30,721 54	24,888 90	5,832 64	23 4-10	May 13, '54—March 16, '57	845 28
Colusi.....*a*	10,367 10	9,562 90	804 20	8 3-10	.....	.....
Contra Costa.....	22,108 44	20,173 78	1,934 66	9 6-10	.....	.....
Del Norte.....	7,148 53	5,985 82	1,162 71	19 4-10	.....	.....
El Dorado.....	63,507 33	56,537 21	6,970 12	12 3-10	Nov. 7, '56—June 30, '57	1,776 75
Fresno.....	9,437 42	8,326 40	1,111 02	13 3-10	.....	.....
Humboldt.....	7,722 35	6,810 48	911 87	13 4-10	.....	.....
Klamath.....	9,670 14	7,920 84	1,749 30	22	May 10, 1856.....	614 38
Los Angeles.....*a*	18,318 59	15,720 15	2,598 44	16 5-10	June 25, 1854.....	26 11
Merced.....*a*	6,615 83	6,004 57	611 26	10 2-10	.....	.....
Marin.....	8,882 14	8,105 77	776 37	9 6-10	.....	.....

Mariposa	*a b*	12,471	14	12,035	31	435	83	3	6-10	July 24, 1858		7,300	00
Monterey	*a*	7,164	25	5,595	58	1,568	67	28					
Napa		17,028	35	16,283	49	744	86	4	6-10				
Nevada	*a*	29,243	80	28,258	50	985	30	3	5-10				
Placer		37,893	68	34,793	38	3,100	30	8	9-10				
Plumas		11,015	05	9,608	69	1,406	36	14	6-10	Aug. 19, '54—July 29, '58		702	91
Sacramento		114,697	31	108,899	58	5,797	73	5	3-10	1851 to 1855		34,173	68
San Bernardino	*a*	3,282	41	2,300	62	981	79	42	6-10				
San Diego	*a*	3,817	40	2,752	20	1,065	20	38	7-10				
San Joaquin		48,156	97	45,963	22	2,193	75	4	8-10				
San Luis Obispo		3,337	12	2,820	71	516	41	18	3-10				
Santa Clara		29,863	78	28,392	52	1,471	26	5	2-10	1852		6,991	81
Santa Cruz	*a*	6,680	12	5,819	12	861	00	14	8-10	1852		1,837	07
Santa Barbara	*a*	7,993	42	6,720	57	1,272	85	18	9-10				
Shasta		23,450	24	18,923	44	4,526	80	23	9-10	1853		1,346	65
Sierra		25,711	04	19,101	19	6,609	85	34	6-10				
Siskiyou		27,702	50	22,489	68	5,212	82	23	2-10				
San Mateo	*a*	9,473	26	9,064	68	408	58	4	5-10				
Solano		19,797	60	18,067	90	1,729	70	9	6-10				
Sonoma	*a*	32,520	93	30,805	04	1,715	89	5	6-10				
Sutter		10,988	20	10,019	78	968	42	9	7-10				
Stanislaus	*a*	7,028	01	5,852	13	1,175	88	20	1-10				
San Francisco	*a*	312,434	11	295,686	33	16,747	78	5	7-10				
Trinity	*a*	19,820	14	18,699	40	1,120	74	6		June 2, 1857		7,779	62
Tuolumne		38,214	10	34,790	35	3,423	75	9	8-10				
Tulare	*a*	6,400	42	5,402	33	998	09	18	5-10				
Tehama		11,103	62	10,349	51	754	11	7	3-10				
Yolo	*a*	16,235	56	14,797	91	1,437	65	9	7-10	1852		1,628	09
Yuba		52,145	60	46,904	15	5,241	45	11	2-10				
Totals		$1,254,335	46	$1,145,964	81	$108,370	65	Av'ge 9	5-10	Totals		$68,044	55

a No payments yet made for the assessments of 1858.....*b* But one settlement has been made this year. Treasurer reported to have been robbed July, 1858, on his way to settle with the State.

* Saidto have been stolen.

LIST OF PARDONS,

Granted by Governor Weller, for the year one thousand eight hundred and fifty-eight.

Date of Application.	Name of Convict.	Crime.	Co. from whence sent.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 28, '57...	G. Raffo	Rape	San Joaquin ...	10 years ...	The excited state of the public mind operated, together with false testimony, to procure his conviction, and being satisfied, from what we know of the facts attending the case, as well as subsequent developments concerning the parties prosecuting, beg most earnestly for Executive clemency in his behalf.	Alonzo Rhodes, Amos W. Gove, A. P. Horton, H. T. Compton, Gray and Hickman, H. T. Huggins, C. B. Hall, F. E. Corcoran, G. A. Shurtleff, E. B. Bateman, R. Baker, A. McPherson, Jno. R. Hobbs, Jno. M. Neal, T. S. Strout, J. G. Jenkins, Geo. D. White, Chas. C. Kimball, and 168 others, among whom were the County Judge, before whom the convict was tried, and the District-Attorney who prosecuted the case.

DECISION.—*January* 20.—The County Judge before whom the case was tried, is not satisfied of his guilt, and the District-Attorney, who prosecuted the case, says: "I now think he was not guilty, and ought to have been acquitted;" also, a very large number of the most respectable citizens of Stockton have, in their memorial, expressed the same opinion; and, after a careful examination of all the papers, I have come to the conclusion that the prosecution was gotten up to extort money, etc.

Date.	Name.	Crime.	County.	Sentence.		
April, '57	Hiram Durham	Having in his possession counterfeit money.	Calaveras	10 years ...	A very old man, and in feeble health; has been in prison nearly five years. Character before the commission, was good, and his conduct, while in prison, was also good.	John F. McCauley, E. H. Pomeroy, Wm. Hicks, J. A. Reynolds, Amos D. Moore, C. Wesley Robinson, and 21 others, officers and guards, including the Physician of the State-Prison, who represents that his health is almost entirely destroyed, and there is scarcely a hope of his recovery.

DECISION.—*February* 2.—This man has been imprisoned nearly five years. I have evidence of his good character previous to the commission of this crime, and of his good conduct whilst in prison. The Physician, and other officers of the Prison, represent that he is an old man, and that his health is entirely destroyed, and there is scarcely a hope of his recovery. He has already been punished sufficiently.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March, '58 ...	F. Whitebred	Burglary.....	Butte	2 years	That he was induced into the commission of the act through the persuasion of an old offender. The burglary consisted in lifting the window of an office of a Justice of the Peace, and disarranging some papers. Nothing was stolen. His parents reside in the State, and are anxious to have him released, in order that he may be sent to his kindred in Pennsylvania.	H. Gaston, Thomas Wells, D. W. Cheesmann, L. Granger, J. W. Burt, W. H. Farley, C. H. Hedges, W. S. Safford, P. H. Harris, District-Attorney; A.D.Plum, Sheriff of Butte County; S. E. Hedges, Thos. F. Miller, G. H. Stephens, John F. Kimmel, Wm. J. Burnside, James Harlow, Geo. D. French, Wm. Lattemore, and 31 others.

DECISION.—*February* 19.—The District-Attorney who prosecuted him, says, "that he knows that the prisoner was led into the commission of the technical offence by the persuasion and deception of one who was in the employ of the police of Oroville, and that hitherto he had been a peaceable and law-abiding citizen. In this, the Justice of the Peace, whose office was entered, and a large number of the most respectable citizens, including the present District-Attorney, Sheriff, and other County officers, concur. His parents reside in the State, and are anxious to have him released, in order that he may be sent to his kindred in Pennsylvania, with the hope of reforming him. Let a pardon be issued, upon the express condition that he leave the State within twenty days from this date, and never return. That a violation of this condition shall operate as a forfeiture of all the rights and immunities conferred by these presents. This condition was afterwards annulled, in consequence of his severe illness.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Febru'ry, '58.	Maurice Sudor.....	Manslaughter	Butte	1 year	The proof, on the trial, was not such as to establish the guilt of the defendant beyond doubt, and therefore the jury that tried him unanimously recommended him to the mercy of the Court. The patient to whom the dose was accidentally administered, was very dangerously ill, and the testimony of her attendant physician clearly established the fact that the probability of her death from the disease with which she was afflicted, was great and extreme; and, furthermore, that there was a question as to whether her demise was entirely owing to the poison accidentally administered. The circumstances attending the termination of the patient's death do not exhibit moral guilt on the part of Suder, but at most a misfortune.	Patrick H. Harris, District-Attorney; J. M. Burt, W. H. Rhodes, Ph. Waterman, J. W. Kelkyson, J. S. Henning, A. D. Plum, Sheriff; W. H. Hobart, Thomas Wells, County Judge; M. H. Danach, J. D. Mott, and 65 others.

DECISION.—*March* 9.—In this case, a majority of the most respectable citizens of Oroville have applied for a pardon, upon the grounds that it is doubtful whether the woman died from the effect of the poison—no *post mortem* examination having been made. It is quite certain that it was a mere mistake of a druggist's clerk in mixing medicine, involving no moral guilt. The jury unanimously recommended him to mercy. Let a pardon issue.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
August, '57...	Charles C. Taylor ...	Assault with intent to commit murder.	Los Angeles.....	1 year	The general good character of the defendant during two years in which he has lived amongst us. The facts from the evidence, that the defendant was out of his senses, from intoxication, at the time of the offence, and had been in the same condition for some time previous to the altercation at the ball, and the absence of evidence as to a previous bitterness between the parties, precluding the idea of an inception of malice in the defendant, in a state of sobriety. The absence of proof, that after the difficulty at the ball, and the mutual provocation then given, the defendant proceeded to provide himself with the weapon with which the offence was committed.	W. G. Dryden, Presiding Judge of Court of Sessions; J. S. Mallard, Associate Justice of Court of Sessions; R. Sackett, Associate Justice of Court of Sessions; Cameron E. Thom, District-Attorney; Elijah Bates, Sheriff; T. J. Carpenter, John G. Nichols, Mayor of Los Angeles; Myron Norton, Ezra Drown, Augustus Oliver, W. H. Peterson, K. H. Dimmick, and 88 others, including ten of the jurors before whom the case was tried.

DECISION.—*March* 1.—In this case, it appears that the convict sustained an irreproachable character previous to the commission of this crime, and has behaved himself with great propriety since his imprisonment. His pardon is asked for by the Senator and Representatives from Los Angeles, and a large number of the most respectable citizens of that County. As I have strong hopes of his entire reformation, let him be discharged.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept., '58	Anastacia Moreno ..	Grand larceny and rob'y.	Los Angeles.....	15 years ...	Term of conviction being extraordinary, for such an offence. That the time of conviction was at a period when prejudice ran high, and sentences were not commensurate with offences. This, in connection with the age of the party, being only 20 years of age at this time, and his confinement, which has already lasted four years, is, in the opinion of your petitioners, reason sufficient for the exercise of Executive clemency.	Francisco P. Ramirez, Timothy Wolfskill, J. W. Halsee, juror before whom the case was tried; R. D. Sheldon, A. F. Coronsel, and Sanford Lyon, a juror in the case.

DECISION.—*March* 20.—The applicant is said to be a youth; has been four years in the Prison. During that time, the officers certify that he has behaved with great propriety, and given evidence of reformation. His conduct, previous to conviction, was bad. I therefore pardon him, however, upon the express conditions: 1. That he be placed on a vessel immediately bound for Mexico, and never return to this State. 2. That if he land in California after he is placed on the vessel, he shall forfeit all the privileges and immunities conferred by the pardon. 3. That his friends shall execute and deliver a satisfactory bond, in the sum of $3000, for the performance of these conditions, which shall be filed with the Warden of the Prison before he is removed.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March, '58 ...	Manuel Baldaraiso..	Robbery	Sierra	5 years	There were many peculiar circumstances connected with his arrest and trial, which, upon a careful examination, would seem to place him (Baldaraiso) in the light of a "tool" for designing and desperate men, as he was quite young (15) when sent here. Since here, his conduct has been excellent. His parents are highly respectable, and they have written for him to come home.	Chas. W. Robinson, E. H. Pomeroy, H. F. Robinson, Geo. W. Lee, Jno. McCloy. G. P. R. Hume, Joseph O'Conner, A. McClanahan, Henry Bristol, Jno. Harris, Wm. Elliott, John Martin, John L. Young, John Davis, W. Thompson, and 20 others.

DECISION.—*May* 4.—This convict was only fifteen years old when sent to the Prison, in 1855. For the past two years he has been a "trusty," outside of the walls; his conduct has been such as to induce the belief that he has entirely reformed. Let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
April 5, '58...	William Scott	Gr'd larceny.	Sacramento	10 years ...	A letter, written by one Frank Williams, in which he says that he stole the horse for which Scott was imprisoned.	J. Heard, Judge before whom the case was tried.

DECISION.—*May* 10.—In this case, the convict has been in Prison for two years and a half, on conviction of having been found with a stolen horse in his possession. Recent developments have produced a strong impression upon my mind that he is entirely innocent. Let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 5, '58 ...	Ah Cheang.....	Assault with a deadly weapon.	San Francisco...	1 year	1. We very much doubt the correctness of the evidence on which he was convicted. 2. Even if guilty, as charged, he has already been punished enough. 3. He is young, and has always heretofore sustained a good character for industry, honesty, and integrity.	George B. Tingley, Charles T. Carvallo, and 10 Chinese merchants of San Francisco.

DECISION.—*May* 15.—In this case, the convict is a Chinaman; was convicted of an assault on one of his countrymen, of an opposite faction, with a deadly weapon. He is represented by the Chinese mercants of San Francisco, as a young, industrious, and honest boy, and that he was prosecuted to satisfy private revenge, rather than to subserve the ends of justice. Let him be pardoned, as he has been punished enough.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
....	William Morris.....	Gr'd larceny.	San Francisco...	10 years ...	Long imprisonment, uniform good conduct for the last two years, and services in preventing two escapes in that time.	The officers of the State-Prison.

DECISION.—*May* 19.—He has been nearly five years and one-half in Prison. For the past two years, he has conducted himself with great propriety, and contributed much towards preventing two desperate parties from escaping within that time. Let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 20, '58 ..	Samuel F. Taylor...	Gr'd larceny.	Sacramento	10 years ...	Since his imprisonment, he has behaved himself with great propriety—is a man of family, and poor; his wife and children, residing in Utica, in the State of New York, are entirely dependent on him for support.	W. S. White, H. C. Fisher, E. E. Eyre, J. B. Starr, Jos. Harris, D. C. Gay, J. R. Cantwell, G. Griswold, Eli C. Lathrop, John Biduman, J. J. Watson, Leonard Harris, R. C. Gilchrist, James Lansing, J. H. Moore, and 25 others. Also, the following officers and employees of the State-Prison: A. W. Taliaferro, W. R. Isaacs McKay, Joseph O'Conner, Michael McCarty, Chas. W. Robinson, G. H. Harrison, H. Bristol, G. B. Gordon, and 50 others.

DECISION.—*June* 17.—This man was sentenced to the Prison for grand larceny, and has now been in Prison nearly three years. All the officers and employees of the Prison strongly urge his discharge. The District-Attorney, who prosecuted him, says that he has serious doubts about his guilt, and thinks public justice demands his release. The facts alluded to by the District Attorney, and the Judge before whom the prisoner was tried, have strongly impressed my mind with the belief that he is innocent. Therefore, let a pardon issue.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
April 2, '58...	Jas. Brunn or Brown	Robbery	El Dorado.....	6 years	The brother of the prisoner shall, at his own cost and expense, and under charge of the proper officer, place the prisoner on ship-board, and take him from the State, to return no more.	James Johnston, County Judge; W. Frank Stewart, Associate Judge; A. D. Waldron, E. B. Carson, Ogden Squires, W. S. Burwell, Alex. Hunter, R. M. Anderson, L. T. Carr, Thos. H. Hewes, and 5 others.

DECISION.—*June* 4.—In this case, the convict has served out nearly three years of the aforesaid imprisonment. A large number of citizens, including the Judge before whom he was tried, have asked for his pardon. Let a pardon issue, upon the express condition that he be placed on board the steamer to sail the 5th inst., bound for Panama, in the custody of his brother. The return of said Brunn to the State shall forfeit all the benefit derived under this pardon.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
October, '57 ..	Catherine Kottle.....	Assault with intent to commit murder.	Placer	2 years	Good conduct whilst in prison; and has children who need her protection.	Committee of last Legislature to visit State-Prison.

DECISION.—*July* 8.—This woman has been in prison one year and a half; has some small children, who need her attention. In consideration of this, and her good conduct, so far as I have observed, as well as her sex, let a pardon issue.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 1, '58 ...	Charles Schumer.....	Assault with intent to kill.	Butte.....	1 year.....	An officer of the name of Allen went to the house of said Schumer, about 11 o'clock at night, to arrest him, on a charge of which he was innocent, and of which he has since been acquitted by a jury of this County. The said Allen entered the house of Schumer, through a window, without first informing him of his official character, or exhibiting a warrant. That the life of said Allen is not now, and never has been, in danger from the effects of the wound. That said Schumer is a very old man, about sixty, and has a large family of small children, depending on him for support; has lived many years in the County, and has always borne the character of an honest and upright citizen.	John G. Berry, Associate Justice Court of Sessions; W. W. Hobart, S. H. Simmons, E. F. Demin, J. B. Chinn, P. Maguire, Lymon Bristol, and 352 others.

DECISION.—*July* 19.—This man is convicted of an assault with intent to kill. He is an old man, and has resided in this State, with his family, for six years, and sustained an irreproachable character. The difficulty in which he became involved seems to have grown out of an attempt, on the part of some ruffians, to seduce his daughter. A very large number of the citizens of Butte, including the Judge, District-Attorney, and jury, have recommended him to mercy. Let him be pardoned.

LIST OF PARDONS.—CONTINUED.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
July 15, '58...	Henry Dority.....	Gr'd larceny.	Mariposa.....	10 years ...	That there was but one witness against the defendant at the trial, and circumstances have occurred since to render it almost certain that the testimony of the witness was untrue. That the defendant had no witnesses at his trial, but that if he could have procured the testimony of one Thompson, who would have testified to the truth, the result of the trial would have been different, and the defendant honorably discharged.	J. A. Bondurant, County Judge; Alfred T. Washburn, Nicholas Cleary, S. Boling, J. D. Crippen, S. Sterling, Sam. A. Merritt, Alex. Deming, B. B. Harris, E. Burke, District Judge, and 16 others.

DECISION.—*August* 4.—This man was convicted of horse-stealing, and has been imprisoned for three years. He has behaved himself with propriety. The District Judge, County Judge, and Associate Judges, together with the Sheriff, Deputy-Sheriff, and other officials of Mariposa County, say that he was convicted on the testimony of one witness, and that recent developments have satisfied them that the testimony was false, and that the prisoner was innocent of the crime. Justice, in my opinion, demands his discharge. Let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
April, '58	Rodman M. Backus.	Manslaughter	San Francisco.	2½ years ...	From a careful examination of the facts, there seems to be considerable doubt as to intent. The state of the public mind, at the time of his trial, tended much to his conviction. His conduct heretofore has been unexceptionable.	Signed by 14 citizens of Philadelphia, including the Mayor and Sheriff; also the Committee visiting State-Prison, besides the officers of that institution.

DECISION.—*August* 2.—This man has been imprisoned two years and three months. In consideration of his excellent conduct during the whole of his imprisonment, and the valuable services which he has rendered to the Prison, on various occasions, the remainder of his sentence, three months, will be remitted.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept. 17, '58*	Lee Schell.....	Gr'd larceny.	Yuba.....	5 years	Has been suffering for some months from an attack of scrofulous consumption, and his disease is now of so serious a nature that he is in imminent danger of dying.	Alfred W. Taliaferro, Physician of the State-Prison, Jos. Walkup, State Warden.

DECISION.—*Sept.* 20.—The Physician and Chief Warden of the Prison having certified that the convict is suffering with the scrofulous consumption, and that he is in imminent danger of death, he will be pardoned, and placed in the custody of his brother.

* Died in six days afterwards.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept., '58.....	William Jennings...	G'rd larceny.	San Francisco ..	7 years	For the last three or four years he has been an invalid, and is now so prostrated and reduced, from the effects of disease, that he is in imminent danger of dying. His disease is chronic dysentery, with chronic inflammation of the lungs.	Alfred W. Taliaferro, Physician at State-Prison.

DECISION.—*October* 16.—This man has already served five years in the State-Prison. The Physician of the Prison certifies that for the last three or four years he has been an invalid; that he is now prostrated and reduced from the effect of disease; that he is in imminent danger of dying; that his disease is chronic dysentery, with chronic inflammation of the liver; that there is a general disorganization of the whole internal abdominal viscera. Let him be discharged.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 22, '58...	William White.....	Gr'd larceny.	Placer	10 years ...	While said White was detained at Knight's Ferry, he manifested a desire to, and did, confess to Thomas W. Lane, O. P. Calloway, and others, that he had escaped from State-Prison, and promised to divulge further secrets, and impart such information as would lead to the detection of the notorious robber Tom Bell, and his gang of desperadoes, on condition that the undersigned would intercede in his behalf to obtain his pardon, and send him out of the country; by means of the confession, together with information and instructions thereby afforded, the robber Tom Bell, and several of his party, were arrested, thus completely ridding our State of the presence of this band of outlaws.	Thos. W. Lane, A. Hallaway, L. H. Bradley, Henry Palmer, Jno. C. Drent, A. Shell, Wm. Stewart, R. L. Wood, W. W. F. Prather, N. H. Mason, Stephen Bishop, William Palmer, A. R. Melony, Wm. B. Hood, 160 others.

DECISION.—*November* 2.—This man has served four years in Prison. He escaped in May, 1855; was arrested on suspicion, in October, 1856. Upon a solemn pledge made to him, by Messrs. Lane and Bradley, and some other gentlemen of high standing, that they would intercede with the Governor, and obtain a pardon, he confessed himself a convict, and furnished all the information which enabled a company of citizens to capture the notorious villain Tom Bell, and break up his desperate gang. In consideration of these facts, he will be pardoned, upon the express condition that he be placed on the steamer of the 5th inst., bound for Panama, by Major Lane, or Bradley, and that he never return to this State.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
July, '58.....	Jose M. Sepulveda ..	Gr'd larceny.	San Joaquin.....	10 years ...	While in prison his conduct was very good, and has been imprisoned nearly 6 years.	Thomas Foster, S. Foster, J. J. Warner, J. B. Winston, A. G. Stukes, T. Wolfskill, Matthew Laufrance, and 167 others.

DECISION.—*November 4.*—The record shows that this man stole two horses, rode one some sixty miles, and abandoned them. He was arrested in November, 1852, and has been imprisoned ever since. During the five years and six months he has been in the State-Prison, the officers certify that he has behaved with great propriety. He has been punished enough. Let him be pardoned.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Jan., '58	Lorenzo Niablo	Assault with intent to commit a rape.	Sacramento	5 years	That the prisoner was, at the time of his conviction and incarceration, a mere youth, and under the age of 14 years. That the mother of said prisoner is a resident of the State, and is desirous of taking her son from out of the State.	P. H. Clayton, James H. Hardy, John Heard, J. Neely Johnson.

DECISION.—*February 3.*- In this case, the Judge before whom the case was tried says that he has now doubts whether he was fourteen years old when the rape was committed, and recommends a pardon. My predecessor, Gov. Johnson, says, "that at the time of the trial, he had great doubts of his legal liability, on account of non age, (fourteen years,) and yet greater doubts of his guilt, and would have pardoned him long since, it he had not been the counsel defending him." He has been in the penitentiary already two years and four months. Let that be done now which ought to have been done by my predecessor. Issue an unconditional pardon.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 11, '58...	Margaret Hall.....	Gr'd larceny.	Sacramento	4 years	That during her confinemement in the prison, she behaved herself with great propriety. She has already been imprisprisoned 2 years, and has been punished sufficiently.	The officers and guards of the Prison.
	DECISION.—*May* 15.—This woman was convicted of grand larceny, in concealing goods stolen by her husband. She has been nearly two years in prison, and during that time behaved with great propriety. Let her be discharged.					

Date of Application.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	A. G. Beck.....	Assault	San Francisco ..	Fined $100	He is a very poor man, and has a family depending upon him for support. His character heretofore was excellent.	The jury before whom he was tried, and some members of the Legislature from San Francisco.

DECISION.—*Jan.* 27.—In this case, it has been satisfactorily proven to me that the person on whom the assault was committed has been for years a violent and bitter enemy of the above-named A. G. Beck, and has been chiefly instrumental in breaking up his domestic relations, and separating him from his wife; that the said Beck is the father of two children, and the only means of support for them is that realized from his daily avocation; that he is a very poor man, and is unable to pay the fine imposed upon him, and, should he be compelled to go to prison by reason of this non-payment, his family will be entirely destitute; that before the commission of the above-named offence, his character has been above reproach. The above facts have been represented to me, by the jury who tried the said Beck, who have all joined in a petition, together with some of the members of the Legislature, from the City of San Francisco, praying that the fine imposed upon the said Beck be remitted. Let the fine be remitted, and the prisoner be discharged from further imprisonment.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	William Dacey	Assault and battery.	Placer	1 year.....	Severity of sentence, long imprisonment, and general good character.	Joseph Walkup, a juror before whom the case was tried, and 12 others, including the Assemblymen from Placer, together with the Judge who sentenced him.

DECISION.—*March* 5.—In this case, the sentence was certainly a severe one, from what a member of the jury (Mr. Walkup) represents as an ordinary assault and battery. He has now been imprisoned in the County Jail more than six months, and, as a large number of the most respectable citizens of Auburn have vouched for his good character, let a pardon be issued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 8, '58..	Otto S. Robel.....	Petit larceny.	Sacramento	Fined $108	[And be imprisoned in the County-Jail until it be satisfied, at the rate of $2 per day.] Subsequent events, that tend to establish his entire innocence.	James Lansing, City Marshal; C. P. O'Neil, of the police, and 4 others.

DECISION.—*March* 10.—In this case, the Marshal of the City, and the police officers, say that subsequent events have entirely satisfied them that the crime of which this man was convicted was perpetrated by a man now in the State-Prison, and that Robel is innocent of any crime. Let a pardon be granted at once.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	George E. Nias	Assault with a deadly weapon.	San Francisco ..	Fined $60.	[Or be imprisoned until the fine be paid, according to law.] He proves an excellent character for industry and sobriety, both before and since the crime was committed; that the assault was made under provocation difficult to resist.	

DECISION.—*March* 12.—In this case, the applicant asks to have a fine of $60, imposed on him by the Police Judge, remitted. He proves an excellent character for industry and sobriety, both before and since the crime was committed. The assault was made under provocation difficult for human nature to resist. Besides, he is poor, and has a family to support. Let him be discharged from the sentence imposed by the Judge.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
April 23, '58..	George Ross.....	False imprisonment.	Sacramento	3 months...	Good conduct while in prison.	James Lansing, City Marshall; P. O'Brien, Captain of Police; J. H. Moore, Lieut. of Police; J. P. Hardy, Clerk of Police, and Harvey Fanuock.

DECISION.—*April* 26.—This man was convicted of false imprisonment, and sentenced to work in the chain-gang three months. He has been actually imprisoned four months. The County Judge, District-Attorney, City Marshal, and police officers, recommend a pardon, as he has a wife and child at San Francisco, in destitute circumstances. Let him be discharged.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 27, '58...	Jacob Franke.....	Assault with a deadly weapon.	Amador	Fined $400.	That he is an enterprising and honest citizen, and his conduct before the assault was good. That he is unable to pay the fine imposed upon him,	The Judge before whom the case was tried, the District-Attorney who prosecuted him, the jury who convicted him, and the person on whom the assault was made.

DECISION.—*June* 5.—In this case, the Judge before whom the case was tried, and the District-Attorney who prosecuted, and the jury who tried him, and the person on whom the assault was made, recommend him to mercy. Let him be discharged from the payment of his fine.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 19, '58...	Victor Lange	Gr'd larceny.	San Francisco ..	1 year	That his family are in destitute circumstances, and demand his attention. That he has already served five months in prison.	H. H. Byrne, G. B. Post, Ira C. Root.

DECISION.—*May* 25.—This man was a merchant in San Francisco, and failed. He was convicted of concealing his effects from his creditors, and sentenced to the County Jail for one year. He has now been confined for five months. His wife, (*enciente,*) and a crippled boy, are said to be in absolute want. The present and prior District-Attorneys have recommended his discharge. The majesty of the law has been vindicated. Let mercy be extended.

RESTORATIONS TO CITIZENSHIP, BY GOVERNOR WELLER.

Date of Application.	Name of Convict.	Crime.	County from whence sent.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Jan., 1858.....	Thomas Eagan.....	Gr'd larceny.	Placer	3 years.....	That he has faithfully served out his term of sentence, and has given evidence of his good conduct since his discharge.	A. W. Taliaferro, Physician of State-Prison.

DECISION.—*January* 29.—Satisfactory evidence having been produced of the good character and good conduct of Thomas Eagan, since his release from imprisonment by expiration of his term of service, let a pardon be issued restoring him to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
Feb., 1858.....	J. B. Gates.....	Manslaughter	Sacramento.....	2 years.....	That, previous to the commission of this crime, his conduct was good. Whilst in Prison, he also behaved himself with great propriety.	James A. Hardy, late District-Attorney and 9 others.

DECISION.—*February* 10.—Having received satisfactory evidence of the good conduct of the applicant since he left the Prison, two years since, a pardon is granted, restoring him to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
Dec. 22, 1857..	M. J. Walsh.....	Gr'd larceny..	Colusa.....	1 year.....	That the evidence upon which Walsh was convicted was given by a State-Prison convict—a fact not known until after the trial.	J. L. Howard, Sheriff; J. C. Johnston, ex-Sheriff, and 16 others.

DECISION.—*February* 11.—Let a pardon be made out on the 15th inst.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Feb. 22, 1858.	Dennis Dailey.....	Gr'd larceny..	San Francisco..	1 year.....	While in Prison his conduct was good, and has given evidence of real and sincere reformation.	E. H. Pomeroy, Sup't State-Prison.

DECISION.—*March* 5—Issue a pardon to Dennis Dailey, restoring him to citizenship, to take effect on the 6th March, when his time expires, as he has produced satisfactory evidence of his good conduct while in Prison.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	Henry Jackson.....	Gr'd larceny..	Butte	2 years.....	That he has faithfully served out his term of imprisonment, and promises that his conduct for the future will be such that the restoration of his citizenship will give no reason to the Governor to ever regret his act of clemency.	E. H. Pomeroy, Sup't State-Prison.

DECISION.—*March* 5.—Having received satisfactory evidence that the applicant for citizenship has, during his confinement, behaved well, and given evidence of reformation, let a pardon be issued.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	John Davis.....	Gr'd larceny..	San Francisco..	1 year.....	That he has faithfully served out his term of imprisonment, and during his stay in the Prison he has behaved with great propriety.	

DECISION.—*March* 8.—John Davis, a convict in the Prison, from San Francisco: Party having produced satisfactory evidence of his good conduct, during his imprisonment; having fully served out his term, is pardoned, so as to restore him to citizenship. To take effect on the 18th inst.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 8, '58..	J. H. Green.....	Forgery	San Francisco..	5 years.....	Served out his term of imprisonment. While in Prison, and since his discharge, his conduct has been good.	E. H. Pomeroy, Sup't State-Prison.

DECISION.—*March* 16—This man served five years in the State-Prison, and his time expired last December. He has furnished satisfactory evidence of his good conduct during his imprisonment, and since his discharge. Let him be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 19,'58.	Robert Fanning.....	Gr'd larceny..	San Francisco..	3 years.....	Since his imprisonment, he has given every assurance and proof of a decided change for the better.	Chas. W. Robinson, W. R. Isaacs McKay, and other officers and employees of the Prison.

DECISION.—*March* 20.—In this case, satisfactory evidence having been given of good conduct whilst in Prison, let a pardon be granted, to take effect at the expiration of his term of sentence, on the 24th inst.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	Cyrus W. Deable.....	Gr'd larceny..	El Dorado.....	3 years.....	That his testimony is indispensable in some cases now pending in Del Norte County.	Attorney-General.

DECISION.—*March* 30.—It being represented to me, by the Attorney-General, that the testimony of Cyrus W. Deable, an escaped convict from the State-Prison, is indispensable in some capital cases now pending in Del Norte County, let a pardon be granted.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 18, '58.	Robert Warner.....	Manslaughter	Calaveras	2 years.....	General good conduct while in Prison, and since his discharge.	

DECISION.—*April* 12.—This man served out his full term in the State-Prison, and was discharged in 1856. During the past two years, he has resided in Calaveras County. His neighbors say he has conducted himself with great propriety, and been a good citizen. Let him be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 27, '58.	A. F. Doran.....	Gr'd larceny..	Amador.....	1 year.....	Since an inmate of this place, (the Prison,) his conduct and behavior have been excellent, attending to his work and task with diligence and promptness.	Chas. W. Robinson, Warden of Prison.

DECISION.—*April* 3.—As he has produced ample evidence of his good conduct during imprisonment, let him be restored to citizenship at the expiration of his sentence.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 28, '58.	Jordan Peterson.....	Gr'd larceny..	San Francisco..	2 years.....	Since an inmate of the State-Prison, he has behaved himself exceedingly well.	Chas. W. Robinson, Warden State-Prison.

DECISION.—*April* 3.—In this case, I have satisfactory evidence of his good conduct during his imprisonment. Let him be restored to citizenship at the expiration of his sentence.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	John Schermer.....	Assault with deadly weapon	San Francisco..	1 year.....	Good conduct while in Prison.	E. H. Pomeroy, and 2 others.

DECISION.—*April* 12.—His time has expired, and, as he has given satisfactory proof of good conduct, let him be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	John Campbell.....	Embezzlem't..	San Francisco..	5 years.....	Good conduct while in Prison.	

DECISION.—*April* 12.—His sentence having expired, restore him to citizenship, as he has given satisfactory evidence of his good conduct whilst in Prison.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 12, '58...	Lazarus McMakin...	Assault with deadly weap'n	San Francisco..	½ year.....	That during his confinement in the State-Prison, he behaved himself with great propriety.	A. M. Heslep.

DECISION.—*May* 21.—This man has served out his time in Prison, which was six months. During that time, he was gate-keeper, and behaved with great propriety. Let him be restored to citizenship, as he clearly deserves it.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
April 22, '58..	Frank Maynard.....	Gr'd larceny..	El Dorado.....	1 year.....	That during his confinement his conduct was good, and gave evidence of reformation.	E. H. Pomeroy.

DECISION.—*May* 22.—This man having served out his term faithfully in the Prison, and during the past year given satisfactory evidence of a reform, he will be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	W. V. Evans.....	Gr'd larceny..	San Joaquin.....	5 years.....	Good conduct during his term of imprisonment.	

DECISION.—*June* 5.—This man has served his country faithfully in the Mexican war, and served out his term of imprisonment to the satisfaction of the officers. Let him be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
July 1, 1858..	Reuben Bessey.....	Manslaughter	Tuolumne	2 years.....	Good conduct during his imprisonment.	Chas. W. Robinson, Geo. W. Lee, H. Bristol, Joseph O'Conner, A. W. Taliaferro, and 30 citizens of Columbia.

DECISION.—*July* 9.—This man has served out his term in prison, (which expired in October, 1857,) and, having since conducted himself with great propriety, let him be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	William Thompson..	Breaking jail.	Amador.....	1 year.....	Good conduct during his imprisonment.	

DECISION.—*July* 28.—This man has served out his full term faithfully, and given satisfactory evidence of his good conduct during the past year. Will be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
June, 1858...	Lewis Squewald.....	Gr'd larceny..	Mariposa.....	1 year.....	Good conduct during his confinement in the Prison.	The officers of the State-Prison.

DECISION.—*June* 10.—Served faithfully, and conducted himself, as the officers of the Prison say, with great propriety. Let him be restored to citizenship

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
June 16, '58..	Ricardo Acaspa.....	Gr'd larceny..	Yuba	3 years.....	Good conduct while in the Prison.	W. R. I. McKay. H. Bristol, M. McCarty, John Jones, and 3 others.

DECISION.—*June* 16.—This man having served out his term faithfully, and having produced the certificate of the officers of the Prison, showing his good conduct and deportment in all respects, restore him to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
June 21, '58..	Wm. H. Allen.....	Manslaughter	Shasta	3 years.....	Good conduct during his imprisonment.	W. R. Isaacs McKay, A. W. Taliaferro, Chas. W. Robinson, and 6 other officers of the Prison.

DECISION.—*June* 29.—This man, sentenced to imprisonment for three years, in Shasta County, in June, 1855, has served his term faithfully, and to the entire satisfaction of the officers of the Prison. Let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
June 21, 1858	Jolly Sebastian.....	Murder.....	Calaveras.....	5 years.....	Good conduct during his imprisonment.	A. W. Taliaferro, C. W. Robinson, and 7 others, officers of the Prison.

DECISION.—*July* 1.—Let this man be restored to citizenship, having served out his term, and given satisfactory evidence of good conduct, in all respects, whilst in Prison.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
June 21, 1858	John Smith.....	Gr'd larceny..	Siskiyou	2 years.....	Good conduct during his imprisonment.	A.W. Taliaferro, C.W. Robinson, and other officers and employees of the Prison.

DECISION.—*July* 8.—This man has served out his term, and during imprisonment behaved in such a manner as to command the confidence and respect of the officers, and, as he was a faithful soldier in the Mexican war, let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
July 3, 1858	John Smith.....	Gr'd larceny..	Shasta	3½ years...	Good conduct during his imprisonment.	W. R. Isaacs McKay, and other officers and employees of the Prison.

DECISION.—*July* 8.—Let this man be restored to citizenship, having faithfully served out his term, and given satisfactory evidence of his good conduct, in all respects, whilst in Prison.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Feb., 1857.....	Raphael Galliente...	Sodomy.....	Monterey	5 years.....	That his conviction was owing to the excited state of the public mind.	W. H. Ramsey, County Judge, and 75 others.

DECISION.—*August* 9.—This man has served out his full term of five years, and I only regret that my attention was not called to the case at an earlier day, as the papers on file satisfy me that he was the victim of popular excitement, and ought never to have been convicted. Let him be restored to citizenship at once.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
June 6, 1858	John Raman.....	Gr'd larceny..	San Francisco..	3 years.....	Good conduct during his imprisonment.	Jacob Traves.

DECISION.—*August* 5.—This man having served out his full term, and having given satisfactory evidence of his good conduct whilst in Prison, let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	Wallace Kennedy...	Robbery, accessory to.	El Dorado.....	9 months...	That during his confinement in Prison he behaved with great propriety. That he is a young man, and his conduct since his release has given evidence of entire reformation.	Dwight Spencer.

DECISION.—*August* 14.—Having served out his term in the Prison, which expired May 13, 1857, and during the past year behaved himself with great propriety, he will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
July 10, 1858	Henry M. Gill.....	Manslaughter	Sacramento	1½ years...	Good conduct during his imprisonment.	C. W. Robinson, G. H. Harrison, A. W. Taliaferro, H. Bristol, M. McCarty, and other officers and employees of the State-Prison.

DECISION.—*August* 14.—Having conducted himself with great propriety during the whole term of his imprisonment, which has now expired, he will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Aug. 10, 1858	George E. Derby.....	Gr'd larceny..	Sacramento	1 year.....	Good conduct during his imprisonment.	W. R. Isaacs McKay, J. O'Conner, G. W. Simpton, C. W. Robinson, and other officers and employees of the State-Prison.

DECISION.—*August* 16.—This man having produced the most satisfactory evidence of good conduct during the whole period of his imprisonment, will be restored to citizenship at the expiration of his term, the 26th inst.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Aug. 1858...	J. C. Gibson.....	Forgery	Siskiyou.....	1 year.....	Good conduct during his imprisonment.	John Morton, G. B. Gordon, J. McKenzie, and other officers of the Prison.

DECISION.—*August* 16.—All the officers of the State-Prison having certified to the good conduct of this man during the whole term of his imprisonment, he will, at the expiration of his term, (21st inst.,) be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Aug. 25, 1858	James Goodwin.....	Manslaughter	Butte	3 years.....	Good conduct during his imprisonment, and since his discharge.	A. W. Taliaferro, and other officers of the State-Prison.

DECISION.—*August* 30.—This man having served out his term of imprisonment, (which expired September, 1857,) and during the past year behaved himself with great propriety, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept. 3, 1858	Thomas Hughes.....	Gr'd larceny..	Sacramento	3 years.....	His youth and his good conduct during his imprisonment.	W. R. Isaacs McKay, G. H. Harrison, and other officers of the State-Prison.

DECISION.—*September* 7.—This man having served out his full term, and produced satisfactory evidence of his good conduct whilst in Prison, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Aug., 1858....	Benjamin Doyle.....	Assault with intent to commit murder.	Calaveras	1½ years..	Good conduct during his imprisonment.	W. R. Isaacs McKay.

DECISION.—*September* 25.—This man having served out his full term, and given satisfactory evidence of good conduct, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept. 21, 1858	George Brown.....	Gr'd larceny..	Placer	2 years.....	Good behavior during imprisonment.	W. R. Isaacs McKay, Jos. O'Conner, and H. Bristol.

DECISION.—*September* 25.—This man having produced satisfactory evidence of his good conduct during the whole of his imprisonment, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept. 3, 1858	C. G. Smith.....	Gr'd larceny..	Sacramento	2 years.....	Good conduct during his imprisonment.	J. C. Gordon, W. R. Isaacs McKay, J. W. Williams, and 10 others.

DECISION.—*September* 25.—This man having served out his term, and given satisfactory evidence of good conduct during the past year, let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept. 30, 1858	S. H. Dearborne.....	Counterfeit'g	Sacramento	1 year.....	Good conduct during his imprisonment, and since his release.	A. W. Taliaferro, Thomas Barnes, Frank M. Shattuck, and Wm. Ross.

DECISION.—*October* 1.—This man served out his full term, and has produced satisfactory evidence that during the past two years he has behaved himself with great propriety. Let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Oct. 7, 1858	C. Davis.....	Manslaughter	Nevada	1 year.....	Good conduct during his imprisonment.	G. Simpton.

DECISION.—*October* 11.—This man has served out his full term, and conducted himself with great propriety during his imprisonment. Let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Aug. 13, 1858	William Brown.....	Manslaughter	Placer	3 years.....	That his conduct during his imprisonment was good.	John Morton, H. Bristol, C. W. Robinson, and 21 others.

DECISION.—*October* 11.—This man having produced the most satisfactory evidence of his good conduct during the whole three years of his imprisonment, will, at the expiration of his term, (the 19th inst.,) be restored to citizenship.

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Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Oct. 6, 1858	William Wilson.....	False personation.	Sacramento	1 year.. ...	Good conduct during his imprisonment, and that before the commission of this crime his character was good.	James Lansing, Henry R. Lincoln, Chas. P. O'Neil, and 24 others.

DECISION.—*October* 11.—This man having conducted himself with propriety during his imprisonment, and given evidence of reform, will, at the expiration of his term, (30th inst.,) be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Oct. 20, 1858	Frank Mathews.....	.....	Nevada	1 year.....	Before the commission of this crime he bore the reputation of a peaceful and law-abiding citizen; and during his imprisonment has conducted himself with great propriety.	A. W. Taliaferro, John C. Gordon, W. R. Isaacs McKay, and 93 citizens of Nevada County.

DECISION.—*October* 21.—This man having produced the certificate of the officers of the Prison, showing his good conduct, in all respects, during his imprisonment, will be restored to citizenship at the expiration of his term of sentence.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	Michael Shea.....	Assault with deadly we'p'n	Stanislaus	10 months..	Good conduct during his imprisonment.	

DECISION.—*November* 21.—This man having produced evidence of his good conduct during his imprisonment, let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	Henry Hyde.....	Gr'd larceny..	Butte	1 year.....	During his imprisonment his conduct was good.	

DECISION.—*May* 6.—This man having served out his full term of imprisonment, and given satisfactory evidence of his good conduct whilst in Prison, will be restored to citizenship.

LIST OF PARDONS

GRANTED BY PREVIOUS GOVERNORS OF THE STATE,

AND

NOT REPORTED BY THEM TO THE LEGISLATURE.

Date of Pardon.	Name of Convict.	Crime.	When conv'd or rec'd at Prison.	Sent'e. Yr	Sent'e. Mo	Co. convicted in.	Remarks.
Mch 22, '56	L. E. Cushman,	Grand Larceny,	Feb. 1855,	2		Marin,	
April 3, '56	Jos. Bryson,	Assault, with int. to commit murder,	Aug. 1855,	2		Mariposa,	
April 4, '56	Chas. Jones,	Assault, with int. to commit murder,	Dec. 1855,	1		Yuba,	
May 2, '56	Andrew Austin,	Manslaughter,	May, 1853,	3		Santa Clara,	Rest'd to Citizenship.
May 9, '56	Thos. Brown, [*alias* Bristol,]—Forgery,		June, 1852,	5		San Joaquin,	
June 16, '56	Samuel Snow,	Counterfeiting,	June, 1855,	1		Sacramento,	Rest'd to Citizenship.
Aug. 4, '56	Joseph Tyrell,	Grand Larceny,	Aug., 1855,	1		El Dorado,	" "
"	Thos. H. Hart,	Assault with intent to kill,	Dec., 1855,	1		El Dorado,	
"	E. H. Mumby,	Grand Larceny,	Aug., 1855,	1		Amador,	Rest'd to Citizenship.
"	Chas. Brown,	Assault with deadly weapon,	Aug., 1855,	1		San Franc'o,	" "
"	John Price,	Grand Larceny,	Sept., 1855,	1		San Franc'o,	" "
Sept. 22, '56	J. Alexis Briant,	Assault with intent to kill,	Dec., 1855,	1		San Fran'co,	
"	R. F. Taylor,	Embezzlement,	Sept., 1855,	1		San Franc'o,	Rest'd to Citizenship.
"	Geo. F. Treadway,	Grand Larceny,	May, 1855,	2		Sacramento,	
Nov. 7, '56	P. Davidson,	Grand Larceny, [injury,	Nov., 1854,	2		Sacramento,	
"	John Gibney,	Assault, with int. to commit bodily	Dec., 1855,	1		El Dorado,	
Dec. 12, '56	Henry Lipman,	Rape,	Aug., 1856,	10		Butte,	
Dec. 12, '56	Jas. Phillips,	Assault with deadly weapon,	Jan., 1856,	1		Mariposa,	
Dec. 13, '56	Edward Hawkins,	Assault and Battery,	1856,		3	Placer,	Sentenced to Co. Jail.
Dec. 18, '56	Wm. N. Walker,	Grand Larceny,	Aug., 1855,	2		San Franc'o,	Express condition to leave the State.
Jan. 8, '57	Thos. Batkill,	Assault and Battery,	Aug., 1856,	1		Placer,	
Jan. 12, '57	Alex. Johnson,	Assault and Battery, [intent to kill			6	Tuolumne,	Sentenced to Co. Jail.
Jan. 14, '57	Pat. H. Dunn,	Assault with deadly weapon, with	June, 1856,	2		Santa Barb'a,	
Feb. 3, '57	Henry Howard,	Grand Larceny,	Jan., 1853,	5		San Franc'o,	
Feb. 6, '57	Benj. Edmundson,	Assault and Battery,	Oct., 1856,		6	Tuolumne,	Sentenced to Co. Jail.
Feb. 9, '57	James Patterson,	Assault and Battery,	June, 1856,	1		Placer,	" "
Feb. 9, '57	James Britton,	Assault and Battery,	June, 1856,	1		Placer,	" "
Feb. 11, '57	Edward J. Welsh,	Robbery,	April, 1855,	3		Los Angeles,	
Feb. 11, '57	Thos. Johnson,	Highway Robbery,	Aug., 1856,	1		San Franc'o,	

Feb. 13, '57	E. B. Stewart,	Assault with int. to commit murder,	Feb.,	1856,	3		Mariposa,	
Feb. 19, '57	Henry Garthoff,	Assault with int. to commit murder,	Jan.,	1854,	10		Butte,	[Feb. 27, 1857.
Feb. 26, '57	Wm. Stonecifer,	Murder,	Jan.,	1856,			Sacramento,	Sentenced to be hung
Feb. 28, '57	Fred. P. Phelps,	Grand Larceny,	Dec.,	1854,	4		San Joaquin,	
Mch 3, '57	Joseph Kuhn,	Assault with intent to commit rape,	Sept.,	1852,	10		San Franc'o,	
Mch 6, '57	John Welsh,	Murder,	Dec.,	1856,	4		Nevada,	
Mch 12, '57	John Vanderhoff,	Manslaughter,	Mar.,	1856,	1		San Franc'o,	
Mch 14, '57	Thos. Godkins,	Grand Larceny,	Sept.,	1856,	5		San Franc'o,	
Mch 31, '57	Wm. Shotwell,	Misdemeanor,		1856,	2		Sacramento,	Sente'd to Chain Gang.
April 23, '57	Juan Lago,	Grand Larceny,	Dec.,	1856,	1	6	S. Lu. Obispo	
April 29, '57	Manuel Josephs,	Assault with intent to commit rape,	Oct.,	1856,	1		Placer,	
May 1, '57	J. Callaghan,	Arson, second degree,	Jan.,	1857,	2		San Joaquin,	
May 1, '57	Asa M. Comes,	Grand Larceny,	April,	1855,	3		San Franc'o,	
May 19, '57	Thos. C. Malone,	Bigamy,	June,	1856,	2		San Franc'o,	Sentenced to Co. Jail.
May 20, '57	James Thompson,	Grand Larceny,	Sept.,	1856,	1		San Franc'o,	
May 29, '57	Henry Hayes,	Involuntary Manslaughter.			1		Nevada,	
Mch 26, '57	Washington Hyde,	Assault and Battery,		1856,		6	San Joaquin,	Sentenced to Co. Jail.
June 19, '57	Chas. Hannon,	Robbery,	Aug.,	1856,	4		San Franc'o,	
July 17, '57	J. McHenry Smith,	Assault with int. to commit murder,	April,	1857,	1		Siskiyou,	
July 17, '57	Jacob Coleman,	Receiving Stolen Goods,	Feb.,	1856,	5		San Franc'o,	
July 18, '57	E. E. Lockwood,	Manslaughter,	July,	1855,	2		Placer,	
Sept. 5, '57	John G. Phillips,	Assault and Battery,		1857,		6	San Franc'o,	Sentenced to Co. Jail.
Sept. 12, '57	H. A. Caulfield,	Concealing a public offence,		1857,		3	Sacramento,	Sentenced to Co. Jail.
Sept. 18, '57	Oscar F. Parsons,	Perjury,	June,	1856,	10		Sacramento,	
Sept. 19, '57	John Norton,	Grand Larceny,	Dec.,	1856,	14		Santa Clara,	
Sept. 28, '57	Louis Flores,	Manslaughter,	Nov.,	1856,	2		Yuba,	
Sept. 28, '57	Henry Coleman,	Receiving Stolen Goods,	Feb.,	1856,	5		San Franc'o,	
Oct. 29, '57	Jos. Lafuente,	Manslaughter,	June,	1856,	3		San Franc'o,	[fined $365.
Nov. 30, '57	Lewis Prescott,	Petit Larceny,	May,	1857,		6	Sacramento,	Sentenced to Co. Jail,
Dec. 1, '57	Martin Griffin,	Perjury,	Dec.,	1856,	1		Placer,	Rest'd to Citizenship.
Jan. 1, '58	Wm. Thompson,	Burglary,	Mar.,	1855,	7		Sacramento,	
Jan. 6, '58	Geo. W. Mansfield,	Grand Larceny,	Aug.,	1856,	5		San Franc'o,	
Jan. 8, '58	John Hogan,	Embezzlement,	May,	1857,	2		Alameda,	

The following Pardons are entered in State-Prison Record, but are not found on the books of the Secretary of State's Office:

Date of Pardon.	Name of Convict.	Crime.	When conv'd or rec'd at Prison.	Sent'e. Yrs.	Remarks.
June 17,'57,	Geo. A. Fisher,	Grand Larceny,	Jan., 1856,	3	Alameda.
Aug. 16,'56,	John H. Harliss,	Grand Larceny,	Dec., 1854,	2	Yuba.
Oct. 16,'57,	Simon Lopez,	Manslaughter,	July, 1856,	7	Sacramento

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March 20, 1856—Remitted fine of Rev. B. B. Bonham, tried and convicted in Sonoma County of marrying female under age, without consent of parents, February Term of Court of Sessions. Fine, $375.

March 25—Commuted sentence of Albert Hoepke, convicted of murder in the Fourth District Court, and sentenced to be hung on the fourth day of May next. Sentence commuted to twelve months in State-Prison.

January 8, 1857—Respited Francis Blair, convicted at the last term of the District Court of Shasta County, of the crime of murder, and sentenced to be hung on the sixteenth day of January, instant. Directed that the execution of the said Blair be stayed and suspended until the sixth day of March next.

March 2—Respited Charles Blair, convicted in Shasta County, of the crime of murder, at the December Term of the District Court, A. D. 1856, and sentenced to be hung on the sixteenth day of January, A. D. 1857, he having been previously respited until March 6, 1857, and now respited until May 1, 1857.

March 17—Commuted punishment of George Adams, tried and convicted in San Francisco County of the crime of grand larceny, and sentenced to imprisonment in the State-Prison twenty years. Commuted to six years.

March 18—Respited Jephtha R. March, who was convicted in the District Court of Colusa County, at the February Term, A. D. 1857, of murder, and sentenced to be hung on the third day of April next. Respited until Friday, the fifth day of June, A. D. 1857.

April 24—Commuted sentence of Charles Blair, sentenced to be hung in Shasta County, at the December Term of the Court, A D. 1856, he having been twice heretofore respited. Sentence commuted to State-Prison during life.

March 28—Respited sentence of William V. Davis, sentenced to be hung on the first day of May, to the twenty-sixth day of June, A. D. 1857, convicted in Fifth Judicial District, Tuolumne County.

May 22—Respited Jephtha R. March, convicted in Colusa County of murder, in February, A. D. 1857, ordered hung on the third of April, respited until the fifth of June, and now respited again until the thirty-first of July next, for the more full investigation of the case.

June 16—Respited F. V. Moore, convicted in Nevada County in the District Court, at ——— term, of murder, and sentenced to be hung on the nineteenth day of June, A. D. 1857. Respited for fourteen days.

July 24—Respited Jephtha R. March, convicted in Colusa County February, A. D. 1857, of the crime of murder, until the twenty-fifth of September next.

September 23—Respited Jephtha R. March, until the twenty-ninth day of January, 1858, convicted of murder in Colusa County.

December 2—Respited David Butler, convicted in the District Court in and for Nevada County, and sentenced to be hung on Friday, the eleventh day of December. Respited until February 26, A. D. 1858.

January 7, 1858—Respited Jephtha R. March, convicted in Colusa County of the crime of murder, and sentenced to be executed January 29, 1858. Sentence commuted to imprisonment for life.

PARDONS GRANTED BY GOVERNOR BIGLER,

During his Last Term,..... .....which were not reported to the Legislature:

Date of Pardon.	Name of Convict.	Crime.	When conv'd or rec'd at Prison.	Sent'c. Yr.Mo.	County convicted in.	Remarks.
Feb. 22,'54,	Richard Holmes,	Robbery,	Feb., 1853,	1	Nevada,	Restored to Citizenship,
	John Jackson,	Grand Larceny,	Dec., 1851,	4	Mariposa,	Taken from State-Prison R'd.
July 7, '55,	John Porter,	Mayhem,	Oct., 1854,	2	Sacramento,	Taken from State-Prison R'd.
Dec. 5, '55,	P. W. Farrow,	No crime in commitment,	Dec., 1854,	1	Sierra,	Restored to Citizenship.*
Dec. 5, '55,	Luke M. Patrick,	Grand Larceny,	Dec., 1854,	1	El Dorado,	Restored to Citizenship.
Dec. 5, '55,	Ah Quong,	Assault with intent to kill,	April, 1855,	1	Amador,	
Dec. 2, '55,	John H. Harper,	Grand Larceny,	Jan., 1853,	7	Butte,	Condit'ed that he leave State.
Dec. 12,'55,	Erastus Keeler,	Manslaughter,	Oct., 1855,	1	Nevada,	
Dec. 15,'55,	James Newman,	Assault and Battery,	Oct., 1855,	1	Sierra,	
Dec. 22,'55,	David Owen,	Assault with intent to kill,	Feb., 1855,	1	Nevada,	Restored to Citizenship.
Dec. 31,'54,	Ventura Arcia,	Grand Larceny,	Feb., 1855,	3	San Joaquin,	
Dec. 31,'55,	J. M. Gaston,	Manslaughter,	Nov., 1855,	1 6	Calaveras,	
Dec. 31,'55,	James Stewart,	Murder,	Dec., 1854,	10	Trinity,	
Dec. 31,'55,	Jerome Boland,	Grand Larceny,	Oct., 1851,	10	San Joaquin,	
Dec. 31,'55,	S. R. Stanley,	Grand Larceny,	Dec., 1851,	8	Yuba,	
Jan. 7, '56,	J. F. Holmes,	Burglary,	Aug., 1855,	5	Sacramento,	Condit'ed that he leave State.
Jan. 9, '56,	James Murphy,	Assault with intent to kill,	Dec., 1852,	10	Placer,	

*Taken from State-Prison Record.

Mr. Griffith offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that five thousand copies of the Governor's Message be printed for the use of the Senate and Assembly.

Mr. Merritt moved to amend by striking out five thousand, and inserting three thousand.

Which was put, and lost.

Mr. Price moved to strike out five thousand, and insert four thousand.

Upon which, the ayes and noes were demanded, by Messrs. Phelps, Merritt, and Burch, and taken, with the following result: Ayes, 19—noes, 16:

Ayes—Messrs. Baker, Ballou, Burch, Dent, Dickinson, Grant, Hart, Hamm, Kirkpatrick, McDonald, Merritt, Parks, Parker, Phelps, Price, Quinn, Redman, Wheeler, and Williams—19.

Noes—Messrs. Anderson, Allen, Berry, Bradley, Burton, Denver, Garter, Gregory, Griffith, Holden, Ketcham, Lansing, O'Farrell, Pacheco, Thom, and Titus—16.

So the motion prevailed.

Mr. Thom moved to amend the resolution by adding, after the words "in English," the words "and five hundred in Spanish."

Which was adopted.

Mr. Ballou moved to further amend, by adding to the resolution the words "and that they be distributed *pro rata* to the members and officers of both Houses."

Which was carried, and the resolution, as amended, was then adopted.

Mr. Griffith, by leave, introduced a bill for an Act amendatory of and supplemental to an Act entitled "An Act to regulate proceedings in civil cases in Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and ordered printed.

On motion of Mr. Dickinson, the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: Edwin C. Palmer, Secretary of Senate.

IN SENATE.

Thursday, January 6, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Members all present.

Journals of yesterday read and approved.

Mr. Merritt, of the Committee on Rules and Orders, made the following report:

MR. PRESIDENT:—The undersigned committee, appointed to report rules for the government of the Senate, beg leave to report the accompanying Rules, and recommend their adoption.

All of which is respectfully submitted.

MERRITT,
BURCH,
BURTON,
} Committee.

The Secretary proceeded to read, when, on motion, the further reading was dispensed with.

Mr. Merritt moved that the Rules and Orders be adopted.

Mr. Ballou moved to amend Rule thirtieth by striking from the Rule so much as relates to the third reading of a bill on the day of its introduction.

Which was lost.

The question, being on the adoption of the Rules, was put, and carried.

.....

STANDING RULES AND ORDERS.

I.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

II.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of petitions.
2. Reports of Standing Committees.
3. Reports of Select Committes.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Second reading and commitment of bills.
7. Introduction and first reading of bills.
8. Motions, resolutions, and notices.
9. Business on the general file, and third reading of bills.
10. Unfinished business of the preceding day.
11. Special orders of the day.
12. Reports from the Committees on Enrollment and on Engrossment shall at all times be in order.

III.

Messages from the Governor, State officers, and from the Assembly, may be considered at any time.

IV.

All bills and resolutions, after the second reading, (if the same be not committed, but if committed, then upon being reported,) shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

V.

All questions relating to the priority of business shall be decided without debate.

VI.

When the reading of a paper is called for, (except petitions,) and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

VII.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

VIII.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

IX.

Every Senator, when he speaks, shall, standing in his place, address the President; and when he has finished, he shall sit down. No member shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken, shall not again be entitled to the floor, (except for explanation,) to the exclusion of another who has not spoken.

X.

When two or more members rise at once, the President shall name the member who is to speak first.

XI.

No motion shall be debated until the same be seconded, and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

XII.

Every bill shall be introduced by giving at least one day's previous notice, or by order of the Senate, on report of a Committee, unless the Senate unanimously consent.

XIII.

Every bill shall receive three readings, previous to its being passed. The President shall give notice at each, whether it be the first, second, or third; which reading shall be on different days, unless the Senate, by a two-thirds vote, direct otherwise. *Provided*, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed, or placed on the general file. No bill shall be amended or committed until twice read.

XIV.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate, at the time the question was

put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

XV.

All Committees of the Senate, and all Joint Committees on the part thereof, shall be appointed by the President, or, in his absence, by the President *pro tem.*, or, in the absence of both, by the acting President.

XVI.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

XVII.

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate, by any member. If a member be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

XVIII.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned. The President, or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at Arms, or other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the County, or of any County in the State.

XIX.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions, except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for reconsideration be in order, unless made on the same day in

which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be reconsidered more than once.

XX.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired. After such notice has been given, it shall not be in order for any other Senator to move a reconsideration of such vote until the next day after the same was taken.

XXI.

The following Standing Committees shall be appointed:

1. Committee on Claims, to consist of five members.
2. Committee on Finance, to consist of five members.
3. Committee on Judiciary, to consist of seven members.
4. Committee on Elections to consist of five members.
5. Committee on Public Lands, to consist of five members.
6. Committee on Commerce and Navigation, to consist of five members.
7. Committee on Federal Relations, to consist of five members.
8. Committee on State Hospitals, to consist of five members.
9. Committee on Mines and Mining Interests, to consist of seven members.
10. Committee on State-Prison and Public Buildings, to consist of seven members.
11. Committee on Education, to consist of five members.
12. Committee on State Library, to consist of three members.
13. Committee on Mileage, to consist of three members.
14. Committee on Counties and County Boundaries, to consist of five members.
15. Committee on Corporations, to consist of five members.
16. Committee on Agriculture, to consist of five members.
17. Committee on Public Printing, to consist of five members.
18. Committee on Roads and Highways, to consist of three members.
19. Committee on Contingent Expenses of Senate, to consist of five members.
20. Committee on Military Affairs, to consist of five members.
21. Committee on Public Expenditures, to consist of five members.
22. Committee on Public Morals, to consist of five members.
23. Committee on Engrossed Bills, to consist of six members.
24. Committee on Enrolled Bills, to consist of six members.
25. Committee on Internal Improvements, to consist of five members.
26. Committee on Swamp and Overflowed Lands, to consist of five members.
27. Committee on Manufactures, to consist of five members.

XXII.

When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or, extending to the merits, being short of the final question.

XXIII.

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the members, Secretaries, Sergeant-at-Arms, and Door-keeper of the Senate, to withdraw, and during the discussion of said motion, the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined, by order of the Senate.

XXIV.

The Committee on Engrossed Bills shall examine all bills, amendments, and resolutions, before they go out of the possession of the Senate, and make report.

XXV.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz.:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

XXVI.

In all cases not provided for by these rules, parliamentary practice, as laid down in Jefferson's Manual, is hereby adopted.

XXVII.

The time of the meeting of the Senate shall be 11 A. M., of each day, (Sundays excepted,) and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

XXVIII.

The rooms, passages, and buildings, set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, bills, etc., of the Senate. He shall see that all officers of the Senate perform their respective duties. He shall have the power to appoint the necessary pages and porters of the Senate. Places may be assigned to Reporters by the President.

XXIX.

When any member is absent without the bar of the Senate, when his name is called, on the call of ayes and noes on any vote about to be taken, his vote shall not be received, unless unanimously agreed to by the members present; nor shall a member be counted on a division of a vote, who is absent without the bar of the Senate without leave.

XXX.

Any rule may be suspended by a concurrence of two-thirds of the members present; and any additional rule, or amendment of a rule, may be made by giving one day's notice, and the concurrence of two-thirds of the members present.

XXXI.

All bills on a second reading, shall be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before

they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.

XXXII.

The final question upon the second reading of every bill or resolution originating in the Senate, and requiring three readings previous to being passed, shall be—"Shall it be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present, but it shall at all times be in order, before the final passage of any such bill or resolution, to move its commitment under special instructions, and should such commitment take place, and any amendment be reported by the committee, the said bill or resolution shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be put.

XXXIII.

The titles of bills, and such parts thereof only, as shall be affected by proposed amendments, shall be inserted in the Journals.

XXXIV.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journals as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted in the Journal.

XXXV.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

XXXVI.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

XXXVII.

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote, upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

XXXVIII.

On a previous question, there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XXXIX

A President pro tempore shall be elected, who shall, in the absence of the President, take the Chair and call the Senate to order, at the hour of the meetings of the Senate, and have the same power as the President.

XL.

When the Senate is equally divided, the Secretary shall take the decision of the President. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest and for each day's custody and releasement, and for traveling expenses for himself and special messenger going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks and, if required so to do, to draw the money on such checks for the members, the same being previously signed by the President, and endorsed by the member or person to whom the check is made, and pay over the same to the member or person entitled thereto.

XLI

No bill or other matter shall be printed without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the reception by the Senate of all such printed matter, and the quantity, before payment shall be made on bills audited; and messages accompanying documents, shall not be printed under the general order to print, without the special direction of the Senate.

XLII

Two hundred and forty (240) copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

XLIII

In filling up blanks, the least sum or number, and the shortest time, shall be first put.

XLIV

It shall be the duty of the Door-keeper to prohibit all persons, except Senators, Members of the Assembly, officers of the two Houses, and such Reporters as have had seats assigned them by the President, from coming within the bar of the Senate (unless invited by the Senate through the President), and to arrest for contempt all persons outside of the bar or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

JOINT RULES AND ORDERS.

I.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairmen, meet in the conference chamber and

state to each, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II.

When a message shall be sent from either House, it shall be announced at the door by the Door-keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

IV.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

VI.

When bills are enrolled, they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as standing committees for that purpose, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

VII.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

VIII.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State, for his approval, (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated,) and shall be entered on the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

IX.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

XI.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XIII.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

XV.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

XVIII.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

XIX.

No spirituous liquors shall be offered for sale or introduced within the Capitol or public grounds adjacent thereto.

COMMUNICATION FROM THE CONTROLLER.

The President presented the following communication from the Controller of State:

OFFICE OF CONTROLLER OF STATE,
Sacramento, January 6, 1859.

To the Hon. Joseph Walkup, President of the Senate:

SIR:—In compliance with the provisions of the third section of "An Act concerning the receipts and expenditures of the State," approved February seventh, one thousand eight hundred and fifty-seven, I herewith transmit to the Senate a statement, verified as required by law, of the manner in which the Contingent Fund, allowed the Controller of State, has been expended, from October tenth, one thousand eight hundred and fifty-eight, to January first, one thousand eight hundred and fifty-nine.

Very respectfully,
A. R. MELONY, Controller of State.

STATEMENT

Of Expenditures out of Appropriation for Contingent Expenses of Secretary of State.

1858.	NINTH FISCAL YEAR.	
January 18...	John Scott, Porter	$21 12
February 1...	M. Martin, Porter	31 50
February 17..	John O'Meara, Bond Register	30 00
March 1	M. Martin, Porter	50 00
March 17	Kirk & Co., Record Books	30 00
March 18	Post-Office, Stamps, Envelopes, etc	61 75
April 1.....	M. Martin, Porter	50 00
April 15.....	John O'Meara, Index for Books	6 00
April 17	Kirk & Co., Stationery	6 88
April 27	W. F. Knox, Elbow-rests, etc	8 00
April 30	M. Martin, Porter	50 00
	Total	$345 25

1858.	TENTH FISCAL YEAR.	
July 20.....	Kirk & Co., Stationery, etc	$13 00
July 31.....	M. Martin, Porter	50 00
July 31.....	Charles Forman, watering streets, etc	31 00
September 1..	Charles Forman, Newspapers, etc	27 50
September 4..	M. Martin, Porter	50 00
October 4.....	M. Martin, Porter	50 00
October 4.....	Charles Forman, Ice, Expressing, etc	22 00
October 4.....	Charles Forman, Newspapers, etc	35 16
November 1..	Ferris Forman, Telegrams	20 00
November 1..	M. Martin, Porter	50 00
November 27	John O'Meara, Index to Register	8 00
December 1..	M. Martin, Porter	50 00
December 2..	Kirk & Bo., Ink, etc	12 00
December 16	Charles Forman, Sundries	16 25
	Total	$434 91

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, } January ——, A. D. 1859. }

I, Ferris Forman, Secretary of State of the State of California, do hereby certify, upon oath, that the above account of expenditures in the office of Secretary of State, is just and correct.

FERRIS FORMAN, Secretary of State.

Subscribed and sworn to, before me, this sixth day of January, one thousand eight hundred and fifty-nine.

[L. S.] E. E. EYRE, Notary Public.

The Secretary proceeded to read, when, on motion of Mr. Ketcham, the further reading was dispensed with, and the communication and statement laid on the table.

Mr. Kirkpatrick, by leave, introduced a bill for "An Act creating the sixteenth and seventeenth Judicial Districts of this State, and providing for the holding of Courts therein."

Which was read first and second times, and, upon motion of Mr. Burton, laid upon the table.

NOTICES OF BILLS.

Mr. Thom gave notice that, at an early day, he would introduce a bill for the better protection of native wines and liquors against adulterations and counterfeits.

Mr. Quinn gave notice that he would, at an early day, introduce a bill for an Act to regulate fees in office in the County of Tuolumne.

Mr. Burch gave notice that he would, at an early, day introduce a bill to amend the seventeenth section of an Act entitled "An Act defining the time of commencing civil actions," approved April twenty-second, one thousand eight hundred and fifty.

Mr. Gregory gave notice that on to-morrow he would introduce a bill entitled "An Act to regulate the creation of homesteads."

Mr. Ballou gave notice that he would, at an early day, introduce a bill for "An Act authorizing District Judges to change the names of persons under certain restrictions."

Also, of a bill for "An Act authorizing the Board of Supervisors in and for the County of Plumas, to levy a special tax in said County for building purposes."

Mr. Burton offered the following resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that a committee of three from each House be appointed to report joint rules for the government of the two Houses.

Mr. O'Farrell gave notice that he would, at an early day, introduce a bill to regulate fees of office in the County of Sonoma.

Here the President announced as a Committee on Joint Rules, on the part of the Senate, Messrs. Burton, Burch, and Merritt.

Mr. Kirkpatrick gave notice that he would, on to-morrow, introduce a bill to amend "An Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey and Amador," approved April fifth, one thousand eight hundred and fifty-six.

The President announced the appointment of Jacob Steinman and Christopher Hartman, as Porters of the Senate, and Morris Gregory and Charles Newell, as Pages.

On motion of Mr. Gregory, the Senate adjourned.

Approved, January 7, 1859.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

FRIDAY, January 7, 1859.

The Senate met, pursuant to adjournment.

The President in the Chair.

Roll called.

Mr. McDonald asked and obtained leave of absence for Mr. Price.
Journals of yesterday read and approved.
The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 6, 1859.

To the Senate of California:

I transmit, herewith, the Annual Report of the Superintendent of Public Instruction, and respectfully invite your earliest attention to it.

As only one copy has been furnished, I have to request that the Assembly may be informed of its transmission to your honorable body.

JOHN B. WELLER.

The Secretary proceeded to read, when, upon motion of Mr. Phelps, the further reading was dispensed with, and the Report and accompanying documents were referred to the Joint Committee on Printing. [See Appendix.]

STANDING COMMITTEES.

The President announced the following Standing Committees of the Senate:

ON CLAIMS.

Messrs. Garter, Dickinson, Burton, Baker, and Lansing.

ON FINANCE.

Messrs. Merritt, Gregory, Burton, Dent, and Denver.

ON JUDICIARY.

Messrs. Burch, Garter, Gregory, Thom, Anderson, Merritt, and Williams.

ON ELECTIONS.

Messrs. Denver, Grant, Griffith, Hart, and Hamm.

ON PUBLIC LANDS.

Messrs. Holden, O'Farrell, Pacheco, Parks, and Parker.

ON COMMERCE AND NAVIGATION.

Messrs. McDonald, Grant, Griffith, Hart, and Wheeler.

ON FEDERAL RELATIONS.

Messrs. Kirkpatrick, Allen, Thom, Titus, and Phelps.

ON STATE HOSPITALS.

Messrs. Hamm, Ketcham, Price, Burton, and Titus.

ON MINES AND MINING INTERESTS.

Messrs. Ketcham, Quinn, Bradley, Dickinson, Burton, Berry, and Ballou.

ON STATE-PRISON AND PUBLIC BUILDINGS.

Messrs. Burton, Anderson, O'Farrell, McDonald, Garter, Ballou, and Dickinson.

ON EDUCATION.

Messrs. Redman, Wheeler, Kirkpatrick, Phelps, and Holden.

ON STATE-LIBRARY.

Messrs. Quinn, Parker, and Redman.

ON MILEAGE.

Messrs. Allen, Hamm, and Parks.

ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Hart, Phelps, Baker, Bradley, and Wheeler.

ON CORPORATIONS.

Messrs. Anderson, Dickinson, Dent, Gregory, and Pacheco.

ON AGRICULTURE.

Messrs. Pacheco, Dent, O'Farrell, Parks, and Redman.

ON PUBLIC PRINTING.

Messrs. Griffith, Ketcham, Lansing, Kirkpatrick, and Wheeler.

ON ROADS AND HIGHWAYS.

Messrs. Phelps, Quinn, and Denver.

ON CONTINGENT EXPENSES.

Messrs. Lansing, Ballou, Parker, McDonald, and Dent.

ON MILITARY AFFAIRS.

Messrs. Bradley, Merritt, Quinn, Allen, and Anderson.

ON PUBLIC EXPENDITURES.

Messrs. Thom, Berry, Griffith, O'Farrell, and Williams.

ON PUBLIC MORALS.

Messrs. Parks, Wheeler, Thom, Parker, and Hamm.

ON ENGROSSED BILLS.

Messrs. Baker, Titus, Bradley, Ketcham, Price, and Holden.

ON ENROLLED BILLS.

Messrs. Berry, Denver, Garter, Kirkpatrick, McDonald, and Pacheco.

ON INTERNAL IMPROVEMENTS.

Messrs. Grant, Parks, Williams, Berry, and Titus.

ON SWAMP LANDS.

Messrs. Gregory, Burch, Merritt, Holden, and McDonald.

ON MANUFACTURES.

Messrs. Price, Anderson, Lansing, Grant, and Pacheco.

Mr. Burton, of the Special Joint Committee of the Senate and Assembly, made the following report:

MR. PRESIDENT:—Your Committee, appointed to report Joint Rules for the government of the two Houses, report the following, and respectfully ask their adoption. [See pp. 84, 85, and 86.]

BURTON, BURCH, MERRITT. } Senate.
DELONG, ELLIS, MOORE. } Assembly.

The Secretary proceeded to read, when, on motion of Mr. Burton, the further reading was dispensed with, and the Rules, as reported, adopted.

INTRODUCTION OF BILLS.

Mr. Grant, by leave, introduced a bill for "An Act to legalize acknowledgments of instruments in writing heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Gregory presented a bill for "An Act to regulate the creation of homesteads."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Burch presented a bill for "An Act to amend an Act entitled an Act defining the time for commencing civil actions," approved April twenty-second, one thousand eight hundred and fifty.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Gregory, by leave, introduced a bill for "An Act entitled an Act to regulate proceedings in criminal cases," passed May first, one thousand eight hundred and fifty-one.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Burch, by leave, introduced a bill for "An Act to amend an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal the existing laws relating thereto," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Which was read first and second times.

On motion of Mr. Merritt, the rules were further suspended, and bill considered as in Committee of the Whole.

IN SENATE.

Bill reported back to the Senate, with amendments.

The amendments of Committee adopted.

On motion of Mr. Holden, the bill was considered engrossed, read a third time, and passed.

Mr. Thom introduced a bill for "An Act to amend an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two.

Which was read first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Merritt, the resolution relative to the pay of the late Secretary and Assistant Secretary of the Senate, passed on yesterday, was reconsidered and amended so as to read "to be paid out of the Contingent Fund of the Senate."

Mr. Bradley moved to further amend, by adding at the end of the resolution: "and that John McGlenchy, late Door-keeper, receive one week's pay, payable from the same fund," which was adopted.

On motion, the resolution, as amended, was adopted.

On motion of Mr. Ketcham, Senate bill No. 6, for an Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein, was taken from the table, and referred to the Judiciary Committee.

On motion of Mr. Griffith, Senate bill No. 2, for an Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight, was taken up, and referred to the Judiciary Committee.

NOTICES OF BILLS.

Mr. Quinn gave notice that he would, at an early day, introduce the following bills:

An Act to amend an Act to extend the terms of office of the Board of Supervisors of certain Counties of the State, passed April twenty-sixth, one thousand eight hundred and fifty-eight.

Also, an Act relating to the Hospital affairs of Tuolumne County.

Mr. Parks gave notice that he would, at an early day, introduce a bill authorizing the Board of Supervisors of Sutter County to construct a bridge across Feather River, and to levy a special tax for the payment of the same.

Mr. Pacheco gave notice that he would, at an early day, introduce an Act concerning interpreters throughout the Courts of this State.

Mr. Ketcham gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for an Act concerning the office of County Clerk of Amador.

Mr. Kirkpatrick, by leave, introduced a bill entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, one thousand eight hundred and fifty-one, which was read first and second times, and referred to the Judiciary Committee.

Mr. Merritt, pursuant to notice given on yesterday, moved a reconsideration of the vote by which the Senate refused to employ an Official Reporter, upon which, the ayes and noes were demanded, by Messrs. Burch, Merritt, and Dickinson, with the following result: ayes, 14—noes, 20:

Ayes—Messrs. Allen, Ballou, Bradley, Burch, Garter, Grant, Griffith, Hart, Ketcham, Kirkpatrick, McDonald, Merritt, Thom, and Wheeler—14.

Noes—Messrs. Anderson, Baker, Berry, Burton, Dent, Dickinson, Denver, Gregory, Hamm, Holden, Lansing, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Redman, Titus, and Williams—20.

So the Senate refused to reconsider.

The following message was received from the Assembly:

Mr. President:—The Assembly on yesterday adopted Assembly Concurrent-Resolution No. 3, relative to the distribution of Journals, etc.

Also, Assembly Concurrent-Resolution No. 4, concerning the Placerville and Salt Lake Telegraph, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

January 7th, 1859.

Assembly Concurrent-Resolution relative to the distribution of Journals, etc., was, on motion of Mr. Burton, referred to the Committee on State Library.

Assembly Concurrent-Resolution concerning the Placerville and Salt Lake Telegraph, was, on motion of Mr. Thom, referred to the Committee on Federal Relations.

Mr. Gregory gave notice that, at an early day, he would introduce a bill entitled an Act to amend an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.

INTRODUCTION OF BILLS.

Mr. Parker, by leave, introduced a bill for "An Act to provide for setting apart the homestead, and to protect the same from forced sale."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Dent, by leave, introduced a bill for "An Act concerning certificates of purchase for land."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Holden gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill for an Act making certificates of the Register and Receiver of the United States Land Office, or a certificate of purchase

of school, or swamp, or overflowed lands, from the Register of the State Land Office, evidence of title.

Mr. Kirkpatrick, by leave, introduced a bill for "An Act to amend an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador," approved April 16th, one thousand eight hundred and fifty-six.

Which was read first and second times, and referred to the Sierra delegation.

On motion of Mr. Rodgers, Senate memorial No. 1, asking Congress to pass a law authorizing the construction of a Pacific Railroad, etc., was taken up and referred to the Committee on Federal Relations.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, adopted, with an amendment, Senate Concurrent Resolution relative to printing the Governor's Message, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

January 7, 1856.

Assembly amendments to Senate Concurrent Resolution relative to printing the Governor's Message read and considered, and the Senate refused to concur.

Mr. McDonald offered the following preamble and resolution, which were adopted:

Whereas, The Hon. W. I. Ferguson, late a member of the Senate, representing the Nevada Senatorial District, departed this life on the first-fourth day of September, one thousand eight hundred and fifty-eight, therefore,

Resolved, That as a mark of respect for the memory of the deceased, the Senate do now adjourn, until Monday next.

Approved, January 11, 1856.

W. R. DICKINSON, President pro tem.

Attest: Edwin C. Palmer, Secretary of Senate.

IN SENATE.

Monday, January 11, 1856.

Senate met, pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Mr. Pacheco asked and obtained leave of absence for Mr. O'Farrell, for one day.

Mr. Burch, for Mr. Berry, for one day.

Mr. Morton, for Mr. Griffin, for two days.

Mr. Grant, for Messrs. Phelps and Williams, one day each.

Absent—Mr. Allen.

Journals of Friday, January seventh, read and approved.

Mr. Kirkham introduced a bill for "An Act concerning the office of County Clerk of the County of Amador."

Which was read first and second times, and referred to the delegation from Calaveras and Amador.

Mr. Burch, by leave, introduced a bill for "An Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Quinn introduced a bill for "An Act to amend an Act to extend the terms of office of the Boards of Supervisors of certain Counties of this State," passed April twenty-sixth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the delegation from Tuolumne and Stanislaus Counties.

Mr. Kirkpatrick, by leave, introduced a bill for "An Act to amend an Act entitled an Act to create the County of Sierra, and establish the seat of justice therein; to define its boundaries, and provide for its organization;" passed April sixteenth, one thousand eight hundred and fifty-two.

Which was read first and second times, and referred to the delegation from Sierra and Plumas.

Mr. Quinn introduced a bill for "An Act to regulate the fees of certain officers in the County of Tuolumne."

Which was read first and second times, and referred to the delegation from Tuolumne and Stanislaus.

Mr. Thom offered the following Concurrent-Resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that our Senators at Washington be instructed, and our Representatives in Congress be requested, to urge upon Congress the immediate payment of the Indian War Debt, due to citizens of this State.

Resolved, That a copy of these resolutions be forwarded by His Excellency, the Governor, to each of our Senators and Representatives, with as little delay as possible.

NOTICES OF BILLS.

Mr. Bradley gave notice that he would, at an early day, introduce a bill for the funding of the entire indebtedness of the County of Calaveras, and for the collection of revenue in said County.

Mr. Price gave notice that he would, at an early day, introduce a bill to establish a branch of the State-prison at Folsom.

Mr. Kirkpatrick gave notice that he would, at an early day, introduce a bill to provide revenue for the support of the Government of this State.

Mr. Titus gave notice that he would, at an early day, introduce a bill entitled an Act to amend an Act entitled "An Act to provide for the indigent sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five.

Mr. Ketcham, of the Calaveras and Amador delegations, by leave, made the following report:

The delegation to whom was referred Senate bill No. 9, entitled an Act to amend an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, have had the same under

consideration, report it back, without amendment, and recommend its passage.

KETCHAM, for the Delegation.

Report accepted, and, with bill, placed on file.

On motion of Mr. Burch, Senate bill No. 3, "An Act for the relief of insolvent debtors and protection of creditors," was taken up, and referred to the Judiciary Committee.

On motion of Mr. Ketcham, the Committee on Mileage were instructed to report on to-morrow, the eleventh instant.

Mr. Thom moved that the Senate take a recess of one hour.

Which was lost.

Mr. Parker moved that the Senate adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Ketcham, Merritt, and Gregory, and taken, with the following result:

AYES—Messrs. Anderson, Baker, Burch, Burton, Dent, Denver, Garter, Gregory, Hart, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, Pacheco, Parks, Parker, Price, Quinn, Redman, Thom, Titus, and Wheeler—24.

NOES—Messrs. Ballou and Bradley—2.

So the Senate stood adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

TUESDAY, January 11, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Grant presented the memorial of the late members of the Board of Examiners for funding the debt of the City and County of San Francisco, praying for the enactment of a law authorizing the payment of Henry L. Davis, for services rendered.

Which was read and referred to the San Francisco and San Mateo delegation.

Mr. Grant also presented the memorial of the late Board of Examiners, praying for the relief of Moses Scott, Jr., for services rendered.

Which was referred to the San Francisco and San Mateo delegation.

REPORTS.

Mr. Parks, from the Committee on Mileage, made the following report:

SENATE CHAMBER,
January 11, 1859.

MR. PRESIDENT:—The Committee on Mileage report the following as the number of miles, by the nearest route, from the residence of each

Senator, to the place where the session of the Legislature is held, and returning therefrom, and the amount each Senator is entitled to receive.

Names.	Miles.	Amount.
Anderson	70	$14 00
Allen	150	30 00
Baker	130	26 00
Ballou	300	60 00
Berry	700	140 00
Bradley	164	32 80
Burch	510	100 20
Burton	130	26 00
Dent	180	36 00
Dickinson	112	22 40
Denver	100	20 00
Garter	370	64 00
Grant	234	46 80
Gregory	490	98 00
Hart	150	30 00
Hamm	92	18 40
Holden	170	34 00
Ketcham	134	26 80
Kirkpatrick	220	44 00
Lansing	130	26 00
Merritt	290	58 00
O'Farrell	364	72 80
Pacheco	670	134 00
Parks	136	27 20
Parker	234	46 80
Phelps, amended to	280	56 00
Quinn	250	50 00
Redman	300	60 00
Thom	1100	220 00
Titus	100	20 00
Wheeler	100	20 00
Williams	234	46 80
Walkup	95	19 00
Total		$1,726 00

H. H. PARKS,
S. F. HAMM. } Committee on Mileage.

Mr. Phelps moved to amend, by striking out "two hundred and forty miles from the County Seat of San Mateo," and inserting "two hundred and eighty miles."

Which was carried.

The report, as amended, was then adopted.

Mr. Quinn, Chairman of the Committee on State-Library, made the following report:

MR. PRESIDENT:—The Committee on State-Library, to whom was re-

ferred Assembly Concurrent-Resolution No. 3, relative to the distribution of Journals, etc., beg leave to report the same back to the Senate, without amendment, recommending its passage.

I. N. QUINN, Chairman.

Report accepted, and, on motion, concurred in.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

The Committee on Commerce and Navigation, to whom was referred Senate bill No. 8, being a bill to amend an Act entitled "An Act for the appointment of a State Gauger at the Port of San Francisco," have had the same under advisement, and, after due consideration, beg leave to report the bill back, without amendment, and recommend its passage.

McDONALD, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Ballou, by leave, introduced a bill for an Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special tax for building purposes in said County.

Which was read first and second times.

On motion of Mr. Ballou, the rules were further suspended, bill ordered engrossed, read third time, and passed.

Mr. Holden, by leave, introduced a bill for an Act amendatory of, and supplemental to, an Act concerning public ferries and toll-bridges, approved April twenty-eighth, one thousand eight hundred and fifty-five.

Which was read first and second times, and referred to the Committee on Roads and Highways.

Mr. Baker, by leave, introduced a bill for an Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto.

Which was read first and second times, and referred to the Committee on Finance.

Mr. Holden offered the following Concurrent-Resolution:

Resolved, By the Senate, the Assembly concurring, that a Joint-Committee of three from the Senate, and three from the Assembly, be appointed, for the purpose of examining into affairs of the State-prison, at San Quentin, and reporting upon all matters of public interest pertaining thereto, and that said Committee be authorized to visit the State-prison and examine into the condition and management thereof, and, if necessary, shall have the power to send for persons and papers.

The question being on the passage of the resolution the ayes and noes were demanded, by Messrs. Merritt, Price and Holden, and taken, with the following result: ayes, 7—noes, 25:

AYES—Messrs. Burch, Grant, Holden, Merritt, Parker, Price, and Quinn—7.

NOES—Messrs. Anderson, Baker, Ballou, Bradley, Burton, Dent, Dickinson, Denver, Garter, Gregory, Hart, Hamm, Ketcham, Kirkpatrick, Lansing, McDonald, O'Farrell, Pacheco, Parks, Phelps, Redman, Thom, Titus, Wheeler, and Williams—25.

So the resolution was lost.

Mr. Ketcham offered the following Concurrent-Resolution:

Resolved, By the Senate, the Assembly concurring, that a special Joint Committee, consisting of four members from each House, be appointed, to take into consideration that portion of our State Constitution which relates to the judicial system, and report by bill, or otherwise, such alterations and amendments as by them shall be deemed necessary and expedient.

Mr. Garter moved to amend by striking out the words "that portion of," and also the words "which relates to the judicial system."

Upon which, the ayes and noes were demanded, by Messrs. Grant, Burch, and Garter, and taken, with the following result: ayes, 21—noes, 10:

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Dent, Dickinson, Denver, Garter, Grant, Holden, Kirkpatrick, O'Farrell, Pacheco, Parks, Price, Quinn, Redman, Titus, Wheeler, and Williams—21.

NOES—Messrs. Ballou, Bradley, Gregory, Ketcham, Lansing, McDonald, Merritt, Parker, Phelps, and Thom—10.

So the amendment was adopted.

Mr. Williams gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

The question being on the passage of the resolution, as amended, Mr. Phelps rose to a point of order. "It was not in order to proceed further with the resolution, pending a notice of reconsideration."

The Chair ruled the point not well taken.

The question recurring on the passage of the resolution, the ayes and noes were demanded, and taken, with the following result: ayes, 20—noes, 12:

AYES—Messrs. Ballou, Bradley, Denver, Garter, Grant, Gregory, Hamm, Ketcham, Kirkpatrick, Lansing, McDonald, O'Farrell, Parks, Phelps, Quinn, Redman, Thom, Titus, Wheeler, and Williams—20.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Dent, Dickinson, Holden, Merritt, Pacheco, Parker, and Price—12.

So the resolution, as amended, was adopted.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on January fifth, adopted Concurrent-Resolution No. 2, relative to Pacific Railroad, and respectfully ask the concurrence of the Senate.

C. GILMAN, Clerk.

JANUARY 7, 1859.

Assembly Concurrent-Resolution No. 2, instructing our Senators and requesting our Representatives in Congress to urge upon Congress the passage of a bill providing for the speedy construction of a Railroad to the Pacific, considered, and, on motion of Mr. Merritt, the resolution was referred to the Committee on Federal Relations.

The President announced, as Committee on the part of the Senate, to take into consideration the revision of the State Constitution, Messrs. Ketcham, Anderson, Merritt, and Kirkpatrick.

Senate bill No. 9, an Act to amend an Act concerning the office of Public Administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, was, on motion of Mr. Burton, considered engrossed, read a third time, and passed.

Senate bill No. 8, an Act to amend an Act entitled "An Act to provide for the appointment of a State Gauger for the port of San Francisco," passed May third, one thousand eight hundred and fifty-two, was, on motion of Mr. Thom, considered engrossed.

Mr. Burton moved to amend section first of the Act, so as to read as follows:

"Section first—An Act to provide for the appointment of a Gauger for the port of San Francisco, is hereby repealed."

President Walkup in the Chair.

Mr. Anderson moved to refer the bill, with amendment proposed, to the Committee on Manufactures, with instructions to report, by bill, for the repeal of all laws providing for a State Gauger, and also to provide for punishing persons for vending spurious and adulterated wines and liquors,

Upon which, the ayes and noes were demanded, by Messrs. Baker, Thom, and Gregory, and taken, with the following result; ayes, 5—noes, 27:

Ayes—Messrs. Anderson, Baker, Burton, Dickinson, and Denver—5.

Noes—Messrs. Berry, Bradley, Burch, Dent, Garter, Grant, Gregory, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Quinn, Redman, Thom, Titus, Wheeler, and Williams—27.

So the amendment was rejected

The question recurring upon the motion of Mr. Burton, the ayes and noes were demanded, by Messrs. Burton, Merritt, and Gregory, and taken, with the following result: ayes, 19—noes, 14:

Ayes—Messrs. Anderson, Baker, Ballou, Burton, Dickinson, Denver, Garter, Grant, Hamm, Kirkpatrick, Lansing, Merritt, O'Farrell, Parks, Parker, Phelps, Quinn, Titus, and Wheeler—19.

Noes—Messrs. Berry, Bradley, Burch, Dent, Gregory, Hart, Holden, Ketcham, McDonald, Pacheco, Price, Redman, Thom, and Williams—14.

So the motion prevailed.

The bill was then read a third time, and passed.

Mr. Burton moved to amend the title of the bill so as to read, "An Act to repeal an Act entitled an Act to provide for the appointment of a State Gauger for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two.

Which was adopted.

The following message was received from the Assembly:

Mr. President:—The Assembly on yesterday receded from its amendment to Senate resolution relative to printing the Governor's message;

And have appointed Messrs. Young, Burdick, and Sloss, House Com-

mittee on Enrollment, and Messrs. Johnson, Pico, and DeLong, Joint Committee on Printing, on the part of the House;

And have also adopted the report of the Joint Committee on Standing Rules.

C. GILMAN, Clerk.

JANUARY 11, 1859.

On motion of Mr. Burton, two hundred and forty copies of the Rules and Orders of the Senate, with the Joint Rules of the Senate and Assembly, were ordered printed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 10, 1859,

To the Senate of California:

In compliance with the forty-second section of the Act of April twenty-eighth, one thousand eight hundred fifty-one, concerning officers, I transmit, herewith, a statement of all appointments made by me to fill vacancies since the adjournment of the preceding Legislature.

JOHN B. WELLER.

LIST OF APPOINTMENTS MADE BY ME DURING THE RECESS OF THE LEGISLATURE.

April 28, 1858.— Harvey Lee, Reporter of the Supreme Court, vice B. C. Whitman.

May 10, 1858.—Edwin R. Campbell, State Registrar.

May 25, 1858.—John E. Addison, Gauger of Wines and Liquors, vice Lansing B. Mizner.

June 8, 1858.—Thomas W. Brennan, Port Warden for the Port of San Francisco.

July 23, 1858.—R. B. Cunningham, Pilot Commissioner for Benicia and Mare Island, vice D. G. Farragut, resigned.

August 1, 1858.—Green T. Martin, County Judge of Tuolumne County, vice Thomas S. Jones, deceased.

September 17, 1858.—William H. Glascock, County Judge of Alameda County, vice Sam. Bell McKee, resigned.

October 13, 1858.—T. S. Pomeroy, County Judge of Del Norte County, vice F. E. Weston, resigned.

October 23, 1858.—James Hagan, Pilot Commissioner for the Port of San Francisco, vice A. L. Tobias.

October 26, 1858.—B. F. Myers, District Judge of the Eleventh Judicial District, vice John M. Howell, resigned.

January 1, 1859.—Charles Lindley, County Judge of Yuba County, vice S. M. Bliss, resigned.

On motion of Mr. Burton, the Senate went into Executive session to consider the Governor's message relative to appointments.

The question being, will the Senate advise and consent to the appointment of Edwin R. Campbell, as State Registrar, the roll was called, with the following result: ayes, 33—noes, none:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Grant, Gregory, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell,

Pacheco, Parks, Parker, Phelps, Quinn, Redman, Thom, Titus, Wheeler, and Williams—33.

Noes—None.

So the appointment was confirmed.

Upon the appointment of John E. Addison, as State Gauger, the roll was called, with the following result: ayes, 26—noes, none:

Ayes—Messrs. Anderson, Allen, Baker, Bradley, Burch, Dickinson, Denver, Garter, Grant, Gregory, Hart, Hamm, Holden, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Price, Quinn, Redman, Titus, Wheeler, and Williams—26.

Noes—None.

So the appointment was confirmed.

Upon the appointment of Thomas W. Brennan, as Port Warden, the roll was called, with the following result: ayes, 30—noes, none:

Ayes—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Dent, Dickinson, Denver, Garter, Gregory, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, Pacheco, Parks, Parker, Phelps, Price, Quinn, Redman, Thom, Titus, Wheeler, and Williams—30.

Noes—None.

So the appointment was confirmed.

IN SENATE.

Mr. Ketcham requested to be excused from serving on the Committee this day appointed to revise the Constitution of this State.

Objection being made, Mr. Ketcham was, on motion, excused.

On motion of Mr. Holden, the Senate adjourned.

Approved.

JOSEPH WALKUP, President Senate.

Attest: E. C. Palmer, Secretary Senate.

IN SENATE.

Wednesday, January 12, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Members all present.

Journals of yesterday read and approved.

Mr. Parks moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 8, "An Act to amend an Act entitled an Act to provide for the appointment of a Gauger for the port of San Francisco."

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Thom, and Burton, and taken, with the following result: ayes, 11—noes, 23:

Ayes—Messrs. Bradley, Gregory, Griffith, Hart, Holden, McDonald, O'Farrell, Pacheco, Price, Redman, and Thom—11.

NOES—Messrs. Anderson, Allen, Baker, Ballou, Berry, Burch, Burton, Dent, Dickinson, Denver, Garter, Hamm, Ketcham, Kirkpatrick, Lansing, Merritt, Parks, Parker, Phelps, Quinn, Titus, Wheeler, and Williams—23.

So the Senate refused to reconsider.

The President presented the report of the State Treasurer, relative to the Contingent Fund of the Treasurer.

The Secretary proceeded to read, when, upon motion of Mr. Parker, the further reading was dispensed with, and the report referred to Committee on Finance.

State of California in Account with Thomas Findley, State Treasurer, for the following Amounts, paid for Contingent Expenses of the State Treasurer's Office, from January 8, 1858, *to December* 31, 1858.

Article, etc.	Amount.	Amount.
1 dozen Canvas Bags, $3; 2 Stenographic Charts, $2; 1 Presentation Register, $25	$30 00	
1 Desk, $30; 1 Standee, $2; 1 Table, $30; 1 Book-case, $10	72 00	
		$102 00
Richard Brown, Porter to Treasurer's Office, 1 month's services, from January 1, to 31, 1858		50 00
1 Bucket, 75 cents; Oil, 25 cents; Towels, 75 cents; Soap, 50 cents	2 25	
1 ream blue long cap ruled Paper, $6; ½ ream blue letter ruled Paper, $3	9 00	
6 gross Steel Pens, at $1 25, $7 50; ½ dozen Maynard & Noyes' Ink, $3 50	11 00	
½ dozen French Carmine Ink, $2; 2 gross cloth-lined Envelopes, at $8, $16	18 00	
2 gross cloth-lined Envelopes, at $7, $14; ½ gross Faber's Lead Pencils, $2	16 00	
Cloth for counter for Treasurer's Office, $14 04; 50 Envelopes, pre-paid to Alta Express, $5	19 04	
Alta California Newspaper, from January 9, to February 7, $2; 1 Lock, $1	3 00	
1 Gold Pen and Holder, $5; 1 Receipt Book, $40; 2 Blank Books, $2 50	47 50	
		125 79
Richard Brown, Porter to Treasurer's Office, 1 month's services, from February 1 to 28, 1858		50 00
Michael Sullivan, Watchman to State Treasurer's Office, liability from January 10, to February 26, 1858		184 00
F. M. Clark, Watchman to State Treasurer's Office, liability from January 25, to February 26, 1858		124 00
1 box Sperm Candles, 33 pounds, at 60 cents, $19 80; 25 Envelopes, at 10 cents, $2 55; 25 Envelopes, at 3 cents, 80 cents; Box-rent, $8	31 15	
2 pounds Red Ink, at $3 50, $7; 1 can of Composition, for stamping Warrants, $2 50	9 50	$40 65

Article, etc.	Amount.	Amount.
M. Sullivan, Watchman to State Treasurer's Office, liability from February 25, to March 31, 1858		$136 00
F. M. Clark, Watchman to State Treasurer's Office, liability from February 25, to March 31, 1858		136 00
Richard Brown, Porter to State Treasurer's Office, liability from March 1 to 31, 1858.....		50 00
Stamped Envelopes, from Wells, Fargo & Co., $5; 6 Towels, $3; 1 Paste-brush, 50 cents; 1 Whetstone 50 cents.....	$9 00	
2¼ bunches Quills, $4; 2 reams Congress Letter-paper, at $6, $12; 1 ream Congress Cap Paper, $6	22 00	
Express charges on paper sent from San Francisco, $1; Notary Public's Fees, $1.....	2 00	
Union Office, printing 150 blank Affidavits, $5.....	5 00	
		38 00
Richard Brown, Porter to State Treasurer's Office, liability from April 1 to 30, 1858.....		50 00
F. M. Clark, Watchman to State Treasurer's Office, liability from April 1 to 30, 1858		120 00
M. Sullivan, Watchman to State Treasurer's Office, liability from April 1 to 30, 1858.....		120 00
Newspapers for Office, $12; 3 boxes cloth-lined Envelopes, at $6 50, $19 50; 2 dozen Carmine Ink, at $5, $10.....	41 50	
6 dozen Faber's Pencils, at $1, $6; 1M best letter Envelopes, assorted, $5; 1M best office Envelopes, $10	21 00	
1 dozen Blotting Boards, $1 50; India Rubber, $1; ½ gross Red Tape, $3	5 50	
½ bundle extra heavy Envelope Paper, $3; express charges on bill from San Francisco, $3.....	6 00	
2 Rulers for Office, $1; paid for picking lock, 50 cents; High Stool for Office, $6; Tape and Quills, $1 50..	9 00	
Kelly, Cook & Mott's bill for Tin Boxes, for vouchers, $30.....	30 00	
		113 00
F. M. Clark, Watchman to State Treasurer's Office, liability from May 1 to 31, 1858.....		124 00
M. Sullivan, Watchman to State Treasurer's Office, liability from May 1 to 31, 1858.....		124 00
Richard Brown, Porter to State Treasurer's Office, liability from May 1 to 31, 1858.....		50 00
Notary Public, for six Acknowledgments, $6; Wells, Fargo & Co., for Stamped Envelopes, $5.....	11 00	
Daily Alta Newspaper, $4; Statesman Newspaper, $2; Daily Union Newspaper, $2.....	8 00	
1 box Potash, $1; 1 bottle Camphene, 25 cents; 1 paper Paint, 25 cents; washing Towels, $1 50; 2 Towels, 75 cents	3 75	
Union Daily Newspaper, for advertising notice of Funding Bonds, etc.....	24 50	
		$47 25

Article, etc.	Amount.	Amount.
Democratic State Journal Newspaper, for advertising notice for Funding Bonds, etc	$19 50	
3 yards Drugget, at $2, $6; 46 yards Carpeting, at $1 62, $74 75; 21 yards Drugget, at $1 40, $29 40	110 15	
Bill for White-washing and for Cleaning State Treasurer's Office, $18	18 00	
Jesse Elder, Postmaster, for Stamped Envelopes, $3 35; Box-rent to April 1, $5 50	8 85	
1 box Candles, 20 pounds, at 25 cents, $5; 1 buff Shade, for office window, $6; 1 Water-cooler, for office, $8	19 00	
Magnum Bonum Pens, 50 cents; 97 pounds Ice, at 5 cents, $4 85	5 35	
1 Desk for office, $15; Varnish and Brushes, $2; difference between old and new Sofa, $10	27 00	
F. Tillman's bill for repairing Vault, etc	75 00	
		$282 85
M. Sullivan, Watchman to State Treasurer's Office, liability from June 1 to 30, 1858		120 00
C. R. Clark, Watchman to State Treasurer's Office, liability from June 1 to 30, 1858		120 00
Express Envelopes, $5; binding and printing Order-Book for Treasurer's Office, $25	30 00	
Paid bill for Sprinkling Street, $10 66; paid bill for Ice, $8	18 66	
1 Tin Box, for vouchers, $4; ½ ream Kent Mills Letter-paper, $3	7 00	
		55 66
M. Sullivan, Watchman to State Treasurer's Office, liability from July 1 to 31, 1858		124 00
C. R. Clark, Watchman to State Treasurer's Office, liability from July 1 to 31, 1858		124 00
1 bottle fine Blue Ink, for stamping Bonds and Warrants, $3	3 00	
1 oak Library Chair, for office, $5; 1 pint of Varnish, $1	6 00	
Paid for pieces of India Rubber, $1; paid bill of Ice, $6 75	7 75	
		16 75
M. Sullivan, Watchman to State Treasurer's Office, liability from August 1 to 31, 1858		100 00
C. R. Clark, Watchman to State Treasurer's Office, liability from August 1 to 31, 1858		100 00
Daily Union Newspaper, 13 weeks, from June 1, to August 31, 1858	6 50	
Daily Alta Newspaper, 13 weeks, from June 1, to August 31, 1858	6 50	
Daily Mercury Newspaper, 13 weeks, from June 1, to August 31, 1858	3 25	
Post-Office Envelopes, $5; Box-office Rent, Post-Office, $5	10 00	$26 25

Article, etc.	Amount.	Amount.
Paid for India Rubber, (packing,) used for ink or paint for stamping Bonds and Warrants	$1 50	
½ dozen bottles Black Ink, (Maynard & Noyes',) $4 50	4 50	
Paid Wells, Fargo & Co. for 50 Envelopes, stamped, $5; Soap, for Office, $1	6 00	
		$12 00
M. Sullivan, Watchman to State Treasurer's Office, liability from September 1 to 30, 1858		100 00
C. R. Clark, Watchman to State Treasurer's Office, liability from September 1 to 30, 1858		100 00
Paid Ice Bill, $6 95; expenses of Clerk to San Francisco on business of Office, $16 50	23 45	
Sprinkling Streets, $10 50; paid Ice Bill, $2	12 50	
		35 95
M. Sullivan, Watchman to State Treasurer's Office, liability from October 1 to 31, 1858		100 00
C. R. Clark, Watchman to State Treasurer's Office, liability from October 1 to 31, 1858		100 00
Subscription to Daily Bee, from May 3, to November 15, 1858, $7; Soap, Matches, and Oil, for Office, $2 50	9 50	
Tape for Office, $1; Attorney-General's (Thos. H. Williams,) expenses to San Francisco, $31	32 00	
		41 50
M. Sullivan, Watchman to State Treasurer's Office, liability from November 1 to 30, 1858		100 00
C. R. Clark, Watchman to State Treasurer's Office, liability from November 1 to 30, 1858		100 00
Appropriation Book for Office, $35; engraving Wood Seal for Warrants, etc., $6	41 00	
Alta California Newspaper, from September 6, to November 27, 1858, $6; Wells, Fargo & Co. for 50 Envelopes, $5	11 00	
Postmaster, for Envelopes, Box-rent, and Postage, $10 35; Oil-Cloth for Office, 5¾ yards, at $1, $5 66	16 01	
		68 01
M. Sullivan, Watchman to State Treasurer's Office, liability from December 1 to 31, 1858		100 00
C. R. Clark, Watchman to State Treasurer's Office, liability from December 1 to 31, 1858		100 00
Total		$3,811 66

Watchmen	$2,556 00
Contingent Expenses	1,255 66
Total	$3,811 66

THOMAS FINDLEY, Treasurer of State.

Subscribed and sworn to before me, this eighth day of January, one thousand eight hundred and fifty-nine.

[L. S.] E. E. EYRE, Notary Public.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
January 12, 1859.

MR. PRESIDENT:—I am directed to inform the Senate that the House, on yesterday, concurred in Senate Concurrent-Resolution relative to the Indian War Debt:

Also, that the Governor has this day transmitted to the Assembly the Annual Report of the Surveyor-General.

C. GILMAN, Clerk.

JANUARY 12, 1859.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have this day adopted Assembly Concurrent-Resolution No. 6, relative to printing the Report of the Surveyor-General, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

JANUARY 12, 1859.

Assembly Concurrent-Resolution No. 6, relative to the printing of the Annual Report of the Surveyor-General, was, on motion of Mr. Burton, laid on the table.

The President announced, as Joint Committee on Printing, on the part of the Senate, Messrs Titus, Ballou, and Lansing.

The President also announced Mr. Garter, to fill vacancy on the Committee to revise the Constitution of this State.

On motion of Mr. Burton, the Reports of the Secretary of State and Controller of State, were taken from the table and referred to the Committee on Finance.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

SENATE CHAMBER,
January 12, 1859.

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 12, entitled "An Act to provide for setting apart the homestead, and to protect the same from forced sale;"

Also, Senate bill No. 15, an Act to regulate the creating of homesteads,

Report the same back, and recommend that the usual number of copies of each bill be printed.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

On motion of Mr. Burch, Senate bills Nos. 12 and 15 were ordered printed.

Mr. Quinn, of the Tuolumne delegation, made the following report:

MR. PRESIDENT:—The Tuolumne and Stanislaus delegation, to whom was referred Senate bill No. 20, "An Act to amend an Act to extend the

terms of office of the Board of Supervisors of certain Counties of this State," passed April twentieth, one thousand eight hundred and fifty-eight, have had the same under consideration, and beg leave to report it back to the Senate, without amendment, and recommend its passage;

Also, Senate bill No. 22, "An Act to regulate the fees of certain officers in the County of Tuolumne," without amendments, and recommend its passage.

I. N. QUINN,
HOLDEN, } Delegation.

Report accepted, and, with bills, placed on file.

Mr. Ketcham made the following report:

MR. PRESIDENT:—The delegation to whom was referred Senate bill No. 17, entitled "An Act concerning the office of County Clerk of the County of Amador," have had the same under consideration, and report it back, with amendments, and recommend its passage, as amended: Amend section first, lines nine and ten, strike out the words "thirty-six hundred" and insert "three thousand."

KETCHAM, for Delegation.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. O'Farrell, by leave, introduced a bill for an Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of the revenue in the Counties of Sonoma and Mendocino.

Which was read first and second times, rules further suspended, bill considered engrossed, and read a third time.

On motion of Mr. Parks, the vote by which the bill passed to its third reading, was reconsidered.

Mr. Parks then moved to amend section second, by striking out the word "and," in the third line, and adding the words "and Sutter," after the word Mendocino.

On motion of Mr. O'Farrell, the bill was considered engrossed, read a third time, and passed.

Mr. Parks moved to amend the title by striking out the word "and" in the fifth line, and adding at the end of the title, the words "and Sutter," which was adopted, and the title, as amended, stood approved.

Mr. Parker, by leave, introduced a bill for "An Act relating to the Coroner of the City and County of San Francisco."

Which was read first and second times, and referred to the San Francisco delegation.

Mr. Merritt offered the following resolution, which was adopted:

Resolved, That so much of the Governor's Annual Message to the Legislature of one thousand eight hundred and fifty-nine, as refers to "Finance," "Liquor Licenses," and the "Civil Fund," be referred to the Committee on Finance; That so much thereof as refers to the report of "Attorney-General," "State Registrar," "Sureties of Bates," "Water Lots," "Amendments to Laws," and "Execution of the Laws," be referred to the Committee on Judiciary; That so much thereof as refers to "San Francisco Harbor," and "Commerce—Whale Fisheries," be re-

ferred to Committee on Commerce and Navigation; That so much as refers to "Estell and McCauley, and the State-Prison," be referred to Committee on State-Prison; So much thereof as refers to "Indians" and "Overland Mail-Routes," be referred to Committee on Federal Relations; So much thereof as refers to "Agriculture," to Committee on Agriculture; And so much as refers to "Mining," be referred to the Committee on Mines and Mining Interests.

On motion of Mr. Burton, Assembly Concurrent-Resolution relative to printing the report of the Surveyor-General, was taken from the table, and concurred in.

Mr. Phelps gave notice that he would, at an early day, introduce "An Act concerning roads and highways."

Mr. Merritt offered the following resolution:

Resolved, That the Committees on the Judiciary and Finance be authorized to employ a clerk each, whenever, in the opinion of said Committees, their services become necessary.

Mr. Anderson moved to strike out the words "Clerk of Finance Committee."

Which was lost, and the resolution was then adopted.

GENERAL FILE.

Senate bill No. 17, "An Act concerning the office of County Clerk of the County of Amador," was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee adopted, and, on motion of Mr. Ketcham, the bill was considered engrossed, read a third time, and passed.

Senate bill No. 20, "An Act to amend an Act to extend the terms of office of the Board of Supervisors of certain Counties of this State," passed April twenty-sixth, one thousand eight hundred and fifty-eight, was, on motion of Mr. Holden, considered engrossed, read a third time, and passed.

Senate bill No. 22, "An Act to regulate the fees of certain officers in the County of Tuolumne," was, on motion of Mr. Quinn, considered engrossed, read a third time, and passed.

Mr. Pacheco gave notice that he would, at an early day, introduce a bill to amend "An Act entitled an Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four.

Mr. Griffith, by leave, introduced a bill for "An Act to authorize the construction of certain wharves."

Which was read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Merritt in the Chair.

On motion of Mr. Burton, the Senate adjourned.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

THURSDAY, January 13, 1859.

Senate met, pursuant to adjournment.

The President in the Chair.

Roll called.

Mr. Burton asked and obtained indefinite leave of absence for Messrs. Lansing, Hamm, and Titus.

Mr. Pacheco, for Mr. O'Farrell.

Mr. McDonald, for Mr. Price, until Monday next.

Journals of yesterday read and approved.

Mr. Pacheco presented the petition of citizens of the County of Santa Barbara, praying for a division of the County, which was referred to the delegation from Santa Barbara and San Luis Obispo.

Mr. Berry presented the petition of citizens of Siskiyou County, praying for an increase of the compensation of the Treasurer of that County, which was laid on the table.

REPORTS.

Mr. Ballou, of the Joint Committee on Printing, made the following report:

MR. PRESIDENT:—The Joint Committee on Printing, to whom were referred the various documents and Reports accompanying the Governor's Message, have examined the matter committed to their charge, indicated to the State-Printer what portions in their judgment ought to be omitted, and recommend the adoption of the accompanying resolution.

All of which is respectfully submitted.

S. A. BALLOU, of Senate Committee.
JAMES A. JOHNSON, of House Committee.

Resolved, By the Senate, the Assembly concurring, that there be printed:

Of the State Controller's Report	2,500
Of the State Treasurer's Report	2,500
Of the State Superintendent of Public Instruction's Report	2,500
Of the State Secretary's Report	1,000
Of the Attorney-General's Report	1,000
Of the State Insane Asylum Report	1,000
Of the State Registrar's Report	1,000

Report accepted, and resolution considered.

Mr. Thom moved to amend the resolution by adding: "and that two hundred and forty copies of the Report of the Superintendent of Public Instruction, two hundred and forty copies of the Report of the State Treasurer, and two hundred and forty copies of the Report of the Controller of State, be printed in the Spanish language," which was adopted.

The resolution reported by the Committee was then adopted.

Mr. Burch Chairman of the Committee on the Judiciary, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 6, an Act creating the Sixteenth and Seventeenth Judicial

Districts, and providing for the holding of Courts therein, have had the same under advisement, and recommend its passage, as amended.

Amend section six, by striking out all after the words "shall receive," in third line of the last page, to the word "payable," in the sixth line.

Messrs. Anderson, Gregory, Mount, and Thom, recommend that the blank be filled with the words: "the sum of four thousand dollars per annum," and Messrs. Burch, Garter, and Williams, recommend that the blank be filled up with the words: "the sum of five thousand dollars per annum."

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Williams, of the San Francisco delegation, made the following report:

Mr. President:—The delegation from the City and County of San Francisco, to whom was referred the bill relating to the Coroner of the City and County of San Francisco, have had the same under consideration, and recommend the passage of the same, without amendment.

CHAS. H. S. WILLIAMS,
T. G. PHELPS,
S. H. PARKER,
GILBERT A. GRANT.

Report accepted, and, with bill, placed on file.

The following message was received from the Assembly:

Mr. President:—The Assembly passed, on yesterday, with amendments, Senate bill No. 7, "An Act to amend an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, adopted Assembly Concurrent-Resolution No. 5, relative to the complications of the European relations of Mexico;

Also, adopted Assembly Concurrent-Resolution No. 7, relative to claims for property taken during the Mexican War by officers and agents of the United States Government.

C. GILMAN, Clerk.

January 13, 1859.

Senate Bill No. 7, taken up and considered, and the Senate refused to concur in amendments of Assembly.

Assembly Concurrent-Resolutions relative to Mexican-European relations, was, on motion of Mr. Ballou, referred to the Committee on Federal Relations.

Assembly Concurrent-Resolution No. 7, relative to claims of citizens of the United States, was, on motion of Mr. Holden, referred to the Committee on Federal Relations.

INTRODUCTION OF BILLS.

Mr. Berry, by leave, introduced a bill for "An Act to legalize an order of the Court of Sessions of the County of Siskiyou, and all the proceedings had thereunder and dependent thereon."

Which was read first and second times, and, on motion of Mr. Berry,

the rules were further suspended, bill considered engrossed, read a third time, and passed.

Mr. Holden, by leave, introduced a bill for "An Act to amend section ten of article eleven, of the Constitution of the State of California."

Which was read first and second times, and referred to the special joint committee on amendments to the State Constitution.

Mr. Baker, by leave, introduced a bill for "An Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two."

Which was read first and second times, and referred to the Committee on Elections.

On motion of Mr. Grant, the rules were suspended, and Senate bill No. 28, "An Act relating to the Coroner of the City and County of San Francisco," was taken from the file, and considered as in Committee of the Whole, and reported back, without amendments.

IN SENATE.

On motion of Mr. Grant, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Phelps offered the following resolution, which was adopted:

Resolved, That Frederick Wright, paper-folder of the Senate, be paid, out of the Contingent Fund of the Senate, the sum of three dollars per day for his services.

Mr. Holden offered the following resolution, which was adopted:

Resolved, That a Special Committee of three be appointed to take into consideration the subject of railroads in this State, and the most proper means of encouraging the early construction of the same.

The President announced as Committee under the resolution to promote the construction of railroads, Messrs. Holden, Dent, and Anderson.

GENERAL FILE.

Senate bill No. 6, "An Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein," was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee adopted, and, on motion of Mr. Burton, bill considered engrossed, read a third time, and passed.

Mr. Burch, by leave, introduced a bill for an Act to amend "An Act defining the time of commencing civil actions," passed April twenty-second, one thousand eight hundred and fifty.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Burch also introduced a bill for an Act to repeal an Act entitled "An Act to authorize married women to transact business in their own names, as sole traders," passed April twelfth, one thousand eight hundred and fifty.

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Berry, the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

FRIDAY, January 14, 1859.

Senate met, pursuant to adjournment.

The President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Ballou asked leave of absence for Mr. Hart, for one week, which was granted.

Mr. Burton rose, and, alluding to the funeral services of the wife of the Hon. C. J. Lansing, moved an adjournment of the Senate, which was adopted.

Approved.

JOS. WALKUP, President.

Attest: J. T. PENNINGTON, Assistant Secretary.

IN SENATE.

SATURDAY, January 15, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Pacheco asked and obtained leave of absence, for Mr. Thom, for three days.

Journals of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 10, "An Act to amend an Act entitled an Act to regulate proceedings in criminal cases," passed May first, one thousand eight hundred and fifty-one, have had the same under consideration, report the bill back, and recommend its passage as amended.

Amend section first, line twenty-fourth, after the word "Court," by inserting the word "after."

Also, Senate bill No. 16, "An Act to legalize the acknowledgments of instruments in writing heretofore taken by any Deputy Clerk of the late Superior Court of the city of San Francisco," have had the same under

advisement: Messrs. Burch, Merritt, Anderson, and Gregory, recommend its passage as amended; and Messrs. Williams and Carter recommend its passage without amendment.

Amend, by striking out all after the word "before," in line eighth, and insert "the Clerk of said Court."

Also, Senate bill No. 14, "An Act concerning certificates of purchase for land," report the same back, with a substitute, and recommend the passage of the substitute.

Your Committee have also had under consideration Senate bill No. 18, "An Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and report the same back, and recommend that it be indefinitely postponed.

They also report an Act entitled "An Act to provide for the payment of volumes nine and ten of the Reports of the Supreme Court of the State of California," and recommend its passage.

BURCH, Chairman.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly on yesterday concurred in Senate Concurrent-Resolution, "That a special Joint Committee, consisting of four Members from each House, be appointed, to take into consideration our State Constitution, and report, by bill or otherwise, such alterations and amendments as by them shall be deemed necessary and expedient, and have appointed Messrs. Cope, Aud, Moore of Nevada, and Pixley, such Committee on the part of the House.

And, this day, concurred in Senate Concurrent-Resolution relative to printing the Reports of State Officers.

Also, refused to recede from its amendment to Senate bill No. 7, "An Act to amend an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April twenty-sixth, one thousand, eight hundred and fifty-eight.

C. GILMAN, Clerk.

JANUARY 14, 1859.

Senate bill No. 7 taken up and considered.

The question being, "Shall the Senate adhere to its disagreement to Assembly amendments?" was put, and lost. So the Senate receded from its disagreement, and the bill passed.

INTRODUCTION OF BILLS.

Mr. Parker, by leave, introduced a bill for "An Act in relation to a sea-wall, or bulkhead, in the City and County of San Francisco."

Which was read first and second times.

Mr. Phelps moved to print four hundred and eighty copies of the bill.

Mr. Anderson moved that two hundred and forty copies be printed.

Which was adopted.

And, on motion of Mr. Parker, the bill was referred to the Committee on Commerce and Navigation.

Mr. Ballou, by leave, introduced a bill for "An Act to authorize persons to change their names in certain cases, and to prohibit application to the Legislature therefor."

Which was read first and second times, referred to the Judiciary Committee, and the usual number ordered printed.

Mr. Dickinson, by leave, introduced a bill for "An Act making an appropriation for the transportation of prisoners to the State-prison for the tenth fiscal year."

Which was read first and second times, and referred to the Committee on Finance.

Mr. Holden, by leave, introduced a bill for "An Act amendatory of, and suplemental to, an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land, granted to this State for school purposes, and the seventy-two sections donated for the use of a seminary of learning," approved April twenty-third, A. D. one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the Committee on Public Lands.

Mr. Anderson, by leave, introduced a bill for "An Act to amend an Act entitled an Act to regulate proceedings in criminal cases," passed May first, one thousand eight hundred and fifty-one.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Gregory, by leave, introduced a bill for "An Act to repeal an Act entitled an Act for the protection of settlers, and to quiet land-titles in this State, passed March twenty-sixth, one thousand eight hundred and fifty-six."

Which was read first and second times, and referred to the Judicary Committee.

Mr. Ketcham gave notice that he would, on Monday next, or upon some subsequent day, introduce a bill for an Act to amend an amendatory Act to establish the boundaries of Amador County, approved April twenty-fifth, one thousand eight hundred and fifty-seven;

Also, a bill for an Act to change the manner of paying officers of elections in the County of Amador.

GENERAL FILE.

Senate bill No. 10, "An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one," was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee concurred in, and, on motion of Mr. Gregory, bill considered engrossed, read a third time, and passed.

Senate bill No. 16, "An Act to legalize the acknowledgments of instruments in writing heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, was considered as in Committee of the Whole, and reported back, with amendments.

IN SENATE.

Amendments of Committee concurred in, and bill ordered to be engrossed, and read a third time.

Senate bill No. 14, an Act concerning certificates of purchase for land,

reported by Judiciary Committee as substitute—substitute adopted, and ordered to be engrossed, and read a third time.

Senate bill No. 18, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, was indefinitely postponed.

Senate bill No. 34, "An Act to provide for the payment of volumes nine and ten of the Reports of the Supreme Court of the State of California, reported by the Judiciary Committee, was read first and second times, rules further suspended, considered engrossed, read a third time, and passed.

On motion of Mr. Holden, the Senate adjourned.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

MONDAY, January 17th, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Williams asked and obtained leave of absence for Messrs. Parker and Phelps, for one day.

Mr. Merritt asked and obtained leave of absence for Mr. Griffith, for one day.

Journals of Saturday read and approved.

REPORTS.

Mr. Merritt, Chairman of the Committee on Finance, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 36, entitled an Act making an appropriation for the transportation of Prisoners to the State-prison for the tenth fiscal year, have had the same under consideration, and return the bill amended, so as to read "twenty-five thousand dollars," and recommend its passage, as amended.

All of which is respectfully submitted.

MERRITT, Chairman.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 27, an Act to authorize the construction of certain wharves, have had the same under consideration, and report the same back to the Senate, without amendment, and recommend its passage.

McDONALD, Chairman.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report, which was accepted:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 1, "An Act to appropriate money for Postage and Express purposes during the present session of the Legislature," and find the same correctly enrolled.

Respectfully submitted.

J. BERRY, Chairman.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on January 15th, passed Assembly bill No. 8, "An Act to fix the terms of the Probate Court in and for the County of Tuolumne."

Also, Senate bill No. 23, "An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special tax for building purposes in said County."

Also, adopted Assembly Concurrent-Resolution No. 12, relative to the payment by the General Government of revenue collected prior to the admission of this State into the Union, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

JANUARY 17, 1859.

On motion of Mr. Holden, Assembly Concurrent-Resolution No. 12, relative to the payment by the General Government of revenue collected prior to the admission of the State into the Union, was referred to the Committee on Federal Relations.

INTRODUCTION OF BILLS.

Mr. Burton, by leave, introduced a bill for an Act supplemental to the Act entitled "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight.

Which was read a first and second times, rules further suspended, bill considered engrossed, read third time, and passed.

Mr. Williams, by leave, introduced a bill for an Act in relation to the assignment of rights in action and evidence of such assignment and notice thereof.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Anderson, by leave, introduced a bill for an Act amending an Act entitled an Act concerning jurors, approved May third, one thousand eight hundred and fifty-two.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Williams, by leave, introduced a bill for an Act concerning animals found trespassing.

Which was read first and second times, and referred to the Committee on Agriculture.

On motion of Mr. Burch, Senate bills No. 12 and 15 were taken from the table, and referred to the Judiciary Committee.

Mr. Denver offered the following Concurrent-Resolution:

Whereas, The United States Government has commmenced proceedings in the Circuit Court of the United States for the District of California, against John Parrott, Henry W. Halleck, James R. Bolton, William E. Barron, John Young, and Robert Walkinshaw, for the possession and ownership of the New Almaden Quicksilver-Mine, situated in the County of Santa Clara, in this State; *and whereas*, there are strong reasons to believe that said mines belong to the people of the State of California, by virtue of their rights of State sovereignty: therefore,

Resolved, By the Senate, the Assembly concurring, that the Attorney-General of this State be directed and instructed to intervene in said suit on part of the State, or take such other measures as he may deem necessary, to test the rights of the State to the mines and minerals within this State.

Which was, on motion, referred to the Committee on Mines and Mining Interests.

GENERAL FILE.

Senate bill No. 36, an Act making an appropriation for the transportation of Prisoners to the State-prison for the tenth fiscal year, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments of Committee of the Whole adopted, bill considered engrossed, read a third time, and passed.

On motion of Mr. Burch, Senate bill No. 27, for an Act to authorize the construction of certain wharves, was made the special order of the day for Tuesday, January eighteenth, twelve M.

On motion of Mr. Burton, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

TUESDAY, January 18, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee have had under consideration Senate bill No. 39, "An Act to repeal an Act for the protection of settlers and to quiet land-titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-six, and report the same back;

Messrs. Anderson, Burch, Gregory, Garter, and Williams, recommending its passage; Messrs. Thom, and Merritt, being opposed.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report, which was accepted:

Mr. President:—Your Committee on Enrolled Bills report: That on the seventeenth day of January, one thousand eight hundred and fifty-nine, at one o'clock P. M., they presented Senate bill No. 1, "An Act to appropriate money for postage and express purposes during the present session of the Legislature," to the Governor, for his approval.

J. BERRY, Chairman.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, passed Senate bill No. 22, "An Act to regulate the fees of certain officers in the County of Tuolumne;"

Also, Senate bill No. 26, an Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of revenue in the Counties of Sonoma, Mendocino, and Sutter, with an amendment;

Also, Senate bill No. 29, "An Act to legalize an order of the Court of Sessions of the County of Siskiyou, and all the proceedings had thereunder and dependent thereon.

C. GILMAN, Clerk.

January 18, 1859.

INTRODUCTION OF BILLS.

Mr. Garter, by leave, introduced a bill for "An Act to amend an Act entitled an Act to authorize married women to transact business in their own name, as sole traders," passed April twelfth, one thousand eight hundred and fifty-two.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Parks, by leave, introduced a bill for "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and to levy a tax therefor."

Which was read first and second times, and referred to the delegation from Yuba and Sutter.

Mr. Allen presented a remonstrance from G. M. Hanson, President of the Marysville and Yuba Bridge Company.

Which was also referred to the delegation from Yuba and Sutter.

Mr. Gregory, by leave, introduced a bill for "An Act to grant the right of way and to keep a toll-road across the Coast Range Mountains at Pacheco Pass, in this State.

Which was read first and second times and referred to the Judiciary Committee.

Mr. Kirkpatrick, Chairman of the Committee on Federal Relations, made the following report:

Mr. President:—Your Committee on Federal Relations, to whom was

referred Assembly Concurrent-Resolution No. 4, concerning the Placerville and Salt Lake Telegraph, have had the same under consideration, and beg leave to report the same back, and recommend its passage with the following amendment: Strike out, in the first resolution, the words "granting the right of way and."

KIRKPATRICK, Chairman.

Report placed on file.

Mr. Dent, by leave, introduced "A Joint-Resolution in relation to Fraudulent Mexican Land Grants."

Which was read first and second times, and, on motion of Mr. Pacheco, referred to the Judiciary Committee.

Mr. Berry gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for "An Act to authorize the location of the town-site of Crescent City."

President in the Chair.

Mr. Burton offered the following Concurrent-Resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Judiciary Committee of the Senate and the Judiciary Committee of the Assembly be instructed to take under consideration, jointly, the recent decision of the Supreme Court of this State on the constitutionality of the law prohibiting the immigration of Chinese to this State, and, also, the decision of the Supreme Court on the constitutionality of the law for the better observance of the Sabbath, and report, at an early day, their views thereon.

GENERAL FILE.

Assembly bill No. 8, "An Act to fix the terms of the Probate Court in and for the County of Tuolumne, was taken up, read first and second times, and referred to the Tuolumne and Stanislaus delegations.

Senate bill No. 26, "An Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of revenue in the Counties of Sonoma, Mendocino, and Sutter," was taken up, and amendments of Assembly concurred in.

Assembly Concurrent-Resolution No. 4, in relation to the Salt Lake Telegraph, was taken up, amendments of Committee rejected, and, on motion, the resolution was adopted.

MESSAGES FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 18, 1859.

To the Senate of California:

I hereby inform your honorable body that, on yesterday, I approved "An Act to appropriate money for postage and express purposes during the present session of the Legislature."

JOHN B. WELLER.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 18, 1859.

To the Senate of California:

I transmit, herewith, the only report received from the State Agricultural Society.

It will be seen that this is a mere statement of receipts and expenditures. As this is a State Institution, to which five thousand dollars are annually appropriated from the treasury, I respectfully suggest to your honorable body the propriety of inquiring into the reasons why its transactions have not been reported, in accordance with the Act of March twenty-sixth, one thousand eight hundred and fifty-eight.

JOHN B. WELLER.

REPORT OF RECORDING SECRETARY OF STATE AGRICULTURAL SOCIETY.

MARYSVILLE, January 8, 1859.

To His Excellency, the Governor, John B. Weller:

The charter of the State Agricultural Society requires of the Recording Secretary, that he shall annually make, to the Governor of the State, a report, in tabular form, of all the receipts and disbursements of said Society; as, also, the amount in the treasury at the time of making said report.

In accordance with the requisition, I have the honor to report the following:

I am fully aware that my report, however incomplete, should have been tendered you prior to the delivery of your Annual Message to the Legislature; and, while I have labored earnestly for such a result, it has been beyond my power and control. By an act of our Executive Board, it became no part of my duty to take charge of, and account for, the tickets disposed of at the time of the Fair—said duty having been assigned to the Treasurer. Consequently, I have had no means of information as to the various sums of money received by the Society, except through the medium of the Treasurer. I have had but little better means of accuracy in the knowledge of the disbursements, as some considerable sums have been paid, as I learn, without the usual formality required by the charter, viz.:—by an order from the President, countersigned by the Recording Secretary. Consequently, my office can exhibit only such sums paid as have been regularly ordered, and for such payments only are receipts filed in the office of the Recording Secretary. With such limited means as are here mentioned, I had no data by which to make up the required report, except by access to the Treasurer's books, or an abstract therefrom; and although often applied for, it was not until the seventh of this month (January,) that I have been able to obtain any document to aid me; and that which I have, purports to be a condensed copy of an abstract from the Treasurer's books, the correctness of which I have no reason to doubt, having been forwarded to me by the Corresponding Secretary.

I lose no time in placing before you such items as I am in possession of, from January twenty-third, one thousand eight hundred and fifty-eight, to December twenty-second, one thousand eight hundred and fifty-eight. The total receipts were twenty-six thousand four hundred and seventy-eight dollars and seventy-five cents, ($26,478 75.)

The total disbursements are twenty-six thousand four hundred and seventy-five dollars and fourteen cents, ($26,475 14.)

RECEIPTS.

This sum from ex-Treasurer Connor	$1,718 00
This sum from City of Marysville	1,700 00
This sum from State of California	5,000 00
This sum from rent of Refreshment-room	500 00
This sum from proceeds of Ball	1,974 00
This sum from Membership, and Tickets sold	15,075 50
This sum from sundry other sources	511 25
	$26,478 75

DISBURSEMENTS.

This amount paid in Premiums, including Cash, Medals, Books, and Diplomas	$7,435 77
This amount paid for materials and labor on Pavilion, Cattle-Yard, and Race-Ground, in time of the Fair	7,820 00
This amount paid for Clerk-hire, Labor, Police, and Watchmen	2,618 00
This amount paid for Printing, Advertising, Stationery, etc.	1,086 25
This amount paid for expenses of Visiting Committee and Carriage-hire	1,322 00
This amount paid for Feed for Stock	720 01
This amount paid for Sacramento Office-Fixtures	448 91
This amount paid for rent for same Office	270 00
This amount paid for Music, time of Fair	400 00
This amount paid for Cloth, for covering Roofs, Tables, etc.	437 39
This amount paid for decorating and arranging Pavilion	365 50
This amount paid for watching Stock	642 00
This amount paid for Aids to Marshal	150 00
This amount paid for Water-Fixtures	150 00
This amount paid for watering Stock-Ground	87 00
This amount paid for Lighting and Sweeping Pavilion	115 50
This amount paid for Crockery	55 71
This amount paid to O. C. Wheeler, (being a portion of the sum voted at the annual meeting,) for services	350 00
This amount paid for G. H. Beach, in part payment of money advanced for the Society	100 00
This amount paid for Incidentals	1,901 10
This amount in Cash—Balance in Treasury	3 61
	$26,478 75

The foregoing figures I can not vouch for, but have no doubt of their correctness in all the essentials.

There is money yet to be collected, and some disbursements to be made, which may change the exhibit here made somewhat. The President assures me of a speedy close of the business of the year one thousand eight hundred and fifty-eight, and the books, etc., passed to the new Board.

G. H. BEACH,
Recording Secretary State Agricultural Society, for 1858.

On motion of Mr. Parker, the report, with accompanying documents, was referred to the Committee on Agriculture.

REPORT FROM THE BOARD OF EXAMINERS.

The following report was received from the Board of Examiners:

SACRAMENTO, January 18, 1859.

To the Senate of California:

The following rewards, offered by the Governor, have not been paid, because no specific appropriation was made therefor, to wit:

Object.	Amount.
F. Castro, Sheriff of San Luis Obispo, reward for apprehension of one Ro. Lanares, as per proclamation of Governor	$500 00
John C. Boggs, for arresting one escaped convict, Thomas Lawrence, as per proclamation of Governor	50 00
J. Cardwell, for reward, arresting James Reed, an escaped convict; vouchers delivered to the officer and owner	50 00
Charles P. O'Neill, for reward, arresting Lewis Bowman and George Greene, escaped convicts; vouchers for the same delivered to the officer and owner	100 00
Charles P. O'Neill, for reward, arresting Peter Metz, an escaped convict; vouchers for the same delivered to the officer and owner	50 00
Charles Doane, Sheriff of San Francisco, for reward, arrest of George W. Wardwell, an escaped convict; vouchers delivered to Sheriff	50 00
R. W. Lees, police officer, San Francisco, reward for arrest of escaped convict, John Knox; vouchers delivered to officer and owner	50 00
James F. Curtis, for reward for apprehension of George Wardwell, an escaped convict; vouchers delivered to owner	200 00
S. W. Boring, for reward, apprehension of one convict; vouchers delivered to owner	50 00
John Sedgwick, Sheriff of Tuolumne County, for arrest of King W. Fulsom, an escaped convict; vouchers delivered to owner	50 00
E. Bogardus, Sheriff of El Dorado County, reward for arresting John J. Levingston; vouchers delivered to owner	50 00
John Sale, reward for arresting Thomas Fornaspin; vouchers delivered to owner	50 00
Daniel Gay, reward for arresting Martin Johnson, an escaped convict; vouchers delivered to owner	50 00
N. D. Plum, reward for arresting Whitman Valentine, an escaped convict; voucher delivered to owner	50 00
Total	$1,350 00

We respectfully recommend the payment of these claims.

JOHN B. WELLER, Governor,
F. FORMAN, Secretary of State,
THOS. H. WILLIAMS, Attorney-General.
} Board of Examiners.

On motion of Mr. Burton, report, with accompanying papers and documents, was referred to the Committee on Claims.

Senate bill No. 39, an Act to repeal an Act entitled "An Act for the protection of settlers, and to quiet land-titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-eight, was, on motion of Mr. Holden, made the special order of the day for Saturday, at twelve o'clock, M.

SPECIAL ORDER.

Senate bill No. 27, "An Act to authorize the construction of certain wharves, was taken up, and, on motion of Mr. Burch, was laid on the table.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 7, an Act to amend "An Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto, approved April twenty-sixth, one thousand eight hundred and fifty-eight;"

Also, Senate bill No. 23, "An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special tax for building purposes, in said County."

And find the same correctly enrolled.

J. BERRY, Chairman.

Mr. Allen asked and obtained indefinite leave of absence for Mr. Wheeler.

On motion of Mr. Anderson, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

WEDNESDAY, January 19, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Merritt, Chairman of the Committee on Finance, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 25, entitled "An Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto," beg leave to report that they have carefully examined the same, and concluded that

it would operate injuriously to change the present law, now in force, in regard to the sealing of weights and measures. That the bill now before the Senate is substantially the law of 1850, which made the County Clerks of the various Counties Deputy Sealers of Weights and Measures, and which, in effect, was totally inoperative. It is absolutely necessary that some protection should be given the small purchaser—as it is in the retail trade, mostly, that frauds of this nature are committed, and upon persons who are least able to bear the loss.

Under the Act passed April twelfth, one thousand eight hundred and fifty-eight, the Deputy Sealers of Weights and Measures are authorized, and allowed, at any hour in the day-time, to examine the weights and measures of any one engaged in trade, and should he find the same to be incorrect, his evidence alone is sufficient to convict and have the offender fined, which fine goes into the treasury of the County in which such offence may be committed.

Under the provisions of the bill now returned to the Senate, it is not made compulsory that all persons engaged in trade should have their weights and measures adjusted, in accordance with the standard of the United States; consequently, but very few traders would be found who would request and require of the County Clerks of the various counties, that their weights and measures should be sealed and stamped according to law; and, as a natural consequence, much fraud would be undoubtedly perpetrated upon the small purchaser. For these reasons, we report the bill back to the Senate, with the recommendation that it do not pass.

All of which is respectfully submitted.

MERRITT, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chaiman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 14, "An Act concerning certificates of purchase for land;"

Also, Senate bill No. 16, "An Act to legalize acknowldgments heretofore taken by any Deputy Clerk of the Superior Court of the City of San Francisco;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Ketcham, Chairman of the Committe on Mines and Mining Interests, made the following report, which was accepted:

Mr. President:—The Committee on Mines and Mining Interests, to whom was referred Senate Concurrent-Resolution No. 7, have had the same under consideration, and respectfully beg leave to report, that, whilst they deem it unnecessary to express an opinion as to the rightful ownership of the New Almaden Quicksilver-Mine, the Committee are of the belief that the State has no interest of ownership therein, and that it would be bad policy for the State to interfere with the claims set up by the General Government, to the mineral lands, whether those claims can be legally established or not. They therefore recommend that the resolution be indefinitely postponed.

L. A. KETCHAM, Chairman.

Mr. Denver, Chairman of the Committee on Elections, made the following report:

MR. PRESIDENT:—The Committee on Elections, to whom was referred Senate bill No. 30, entitled "An Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two," report the same back, with a recommendation that it be indefinitely postponed.

A. ST. CLAIR DENVER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report, which was accepted:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 29, "An Act to legalize an order of the Court of Sessions of the County of Siskiyou, and all the proceedings had thereunder, and dependent thereon," and find the same correctly enrolled.

BERRY, Chairman.

Also, the following:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the eighteenth day of January, one thousand eight hundred and fifty-nine, at two o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 7, an Act to amend "An Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Also, Senate bill No. 23, "An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special tax for building purposes in said County."

BERRY, Chairman.

Report, with bills, placed on file.

Mr. Grant, of the Select Committee to whom was referred memorial for relief of Moses Scott, Jr., made the following report:

MR. PRESIDENT:—The Select Committee, consisting of the delegation from the Counties of San Francisco and San Mateo, to whom was referred the memorial of the late Board of Examiners of the City and County of San Francisco, for the relief of Moses Scott, Jr., have had the same under consideration, and ask leave to report the accompanying bill, and to recommend that the same pass.

GILBERT A. GRANT, for the Committee.

Report accepted, and, with bill, placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 28, "An Act relating to the Coroner of the City and County of San Francisco;

Also, Assembly bill, No. 28, an Act to repeal an Act entitled "An Act to prevent the further immigration of Chinese and Mongolians to this

State," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

And, also, on seventeenth January, one thousand eight hundred and fifty-nine, passed Assembly bill No. 14, an Act to repeal an Act entitled "An Act concerning roads and highways in and for the Counties of Tuolume and Alameda," passed April twenty-sixth, one thousand eight hundred and fifty-eight, so far as the same relates to the County of Tuolumne.

C. GILMAN, Clerk.

JANUARY 19, 1859.

Assembly bill No. 28, an Act to repeal an Act entitled "An Act to prevent the further immigration of Chinese or Mongolians to this State," approved April twenty-sixth, one thousand eight hundred and fifty-eight, was read first and second times, and, on motion of Mr. Merritt, referred to the Committee on Federal Relations.

Assembly bill No. 14, an Act to repeal an Act entitled "An Act concerning roads and highways in and for the Counties of Tuolumne and Alameda," passed April twenty-sixth, one thousand eight hundred and fifty-eight, so far as the same relates to the County of Tuolumne, was read first and second times, and, on motion of Mr. Quinn, referred to the Stanislaus and Tuolumne delegation.

INTRODUCTION OF BILLS.

Mr. Allen, by leave, introduced a bill for an Act amendatory of "An Act concerning ferries and toll-bridges," passed April twenty-second, one thousand eight hundred and fifty-five.

Which was read first and second times, and referred to the Committee on Roads and Highways.

Mr. Thom, by leave, introduced a bill for "An Act amendatory of an Act to change the time of holding the Court of Sessions, and County Court, of the County of Los Angeles," approved April eighth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to Mr. Thom.

Also, by leave, introduced a bill for an Act amendatory of "An Act to fix the time for holding the terms of the District Courts throughout this State," passed May eighteenth, one thousand eight hundred and fifty-three.

Which was read first and second times, and referred to the Judiciary Committee.

Also, by leave, introduced a bill for an Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits."

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Griffith, Senate bill No. 27 was taken from the table and placed on general file.

On motion of Mr. Garter, the Secretary was directed to transfer back to the Board of Examiners the papers and accounts accompanying their report.

Mr. Dickinson gave notice that he would, at an early day, introduce a bill fixing the salaries of certain officers of El Dorado County;

Also, a bill fixing the compensation of the District-Attorney for the County of El Dorado.

GENERAL FILE.

Senate bill No. 14, "An Act to make certificates of [purchase of] real estate evidence of title, was considered as in Committee of the Whole.

IN SENATE.

Reported back, read a third time, and passed.

President *pro tem.* in the Chair.

Senate bill No. 16, an Act to legalize the acknowledgments of instruments in writing heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, was read a third time, and passed.

Senate bill No. 48, "An Act for the relief of Moses Scott, Jr.," was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 30, an Act to divide the State into Congressional Districts according to an Act of Congress, approved June thirtieth, one thousand eight hundred and forty-two, was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, and, on motion of Mr. Ketcham, made the special order of the day for Monday, twelve o'clock, M.

Senate Concurrent-Resolution No. 4, relative to the Attorney-General intervening, on part of the State, in the suit now pending with regard to the title of the New Almaden Mines, was considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Anderson, was indefinitely postponed.

Senate bill No. 27, "An Act to authorize the construction of certain wharves," was considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and made the special order for Thursday, twelve o'clock, M.

Senate bill No. 25, "An Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto," was considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 19, 1859.

To the Senate of California:

I have this day approved an Act "To authorize the Board of Supervisors in and for the County of Plumas, to levy a special tax for building purposes in said County;

I have also approved "An Act to amend an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

JOHN B. WELLER.

The following report was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,
January 19, 1859.

To the Senate of California:

I transmit, herewith, sundry accounts which have been passed upon by the Board of Examiners.

JOHN B. WELLER, President of Board.

No.	Service.	Amount.
1.....	James Thompson, Sheriff of Los Angeles County, for Transporting Prisoners to State-Prison in 1858.....	$183 75
3.....	Cyrel Hawkins, Journal Clerk, for unpaid Salary.....	103 58
7.....	T. P. Madden, Assignee of S. F. McKenzie, for Services as State-Prison Director in 1857.....	673 52
8.....	Sacramento Daily Bee, for Papers furnished Senate and Assembly for Ninth Session of Legislature.....	17 50
13...	F. E. Corcoran, by Geo. B. Claiborne, for Services at State Insane Asylum in 1857.....	200 00
17...	I. and S. Wormser, Assignees of Alexander Bell, for pay as State-Prison Director, in 1857.....	673 52
19...	Hon. Peter H. Burnett, for arrears of Salary.....	1,860 22
21...	Wm. V. Fisher, by George B. Claiborne, his Attorney, for Milk furnished Insane Asylum in 1858.....	562 00
22...	William Gravatts, by George B. Claiborne, his Attorney, for Services as Steward at Insane Asylum in 1858.....	250 00
25...	Luchsinger & Hubbard, for Furniture, etc., supplied Insane Asylum in 1858.....	481 91
26...	D. J. Oullahan, for Stove-wood for Insane Asylum in 1858	134 00
27...	R. C. Sargent & Bro., Assignees of Wm. Ward, for Meat supplied Insane Asylum in 1857 and 1858.....	2,869 98
28...	L. C. Van Allen, for Supplies furnished Insane Asylum in 1857	23 75
30...	John Dillon, for Supplies to Insane Asylum in 1857	268 64
31...	Isidore Cohen, Assignee, etc., for Services at Insane Asylum in 1858.....	382 50
34...	Nash & Beamis, for supplying Boots, Shoes, etc., to Insane Asylum.....	368 35
35...	Mills & Doll, for Supplies of Hardware, Tinware, etc., to Insane Asylum in 1858.....	495 07
37...	James Gallagher, for Legal Services to the State in Trinity County.....	425 75
38...	Gray & Hickman, for Supplies furnished Insane Asylum..	921 96
39...	C. F. Wurster, Assignee of Mr. Welch, for Services of Employés at Insane Asylum	383 00

No.	Service.	Amount.
41...	Timothy Page, for Lumber supplied Insane Asylum in 1858	601 56
44...	T. Robinson Bours & Co., second claim as Assignees, etc., for Services done at Insane Asylum by sundry persons	2,790 50
45...	Sanders & Hickman, for Hardware supplied to Insane Asylum	51 52
50...	Louis Velhac, for Vegetables supplied Insane Asylum	156 89
51...	Wm. M. Ryer, Assignee of C. R. Brown & Bro., for Groceries supplied to Insane Asylum	1,051 36
52...	M. L. Bird & Co., for Goods, Wares, and Merchandise, for Insane Asylum	133 25
53...	E. S. Holden, for Drugs and Medicines furnished Insane Asylum	132 32
54...	Simpson & Gray, for Lumber supplied Insane Asylum	42 71
55...	Hall & Huggins, for Vegetables for Insane Asylum	50 93
58...	J. B. Houche, for Goods and Provisions for Insane Asylum	163 82
59...	John Gross & Co., for Bread supplied to Insane Asylum	2,926 80
68...	S. P. Christy, for services as Hospital Steward to Insane Asylum in 1857	100 00
56...	R. W. Noble, for Butter and Eggs supplied Insane Asylum in 1858	112 83

The Secretary proceeded to read, when, on motion of Mr. Burton, the further reading was dispensed with, and report, with accounts, referred to the Committee on Claims.

The report of the Surveyor-General, showing the disbursements of the Contingent Fund of his office, was received, and, on motion of Mr. Burton, was referred to the Finance Committee.

Expenditure of the Contingent Fund of the Surveyor-General's Office, for the half of the Fiscal Year ending June 30, 1858.

Feb. 3..	H. Van Every's bill for Stove and Fixtures	$13 50
Feb. 13.	Noonen & Co.'s bill for Carpet and Window-Shades	78 62
Feb. 14.	Jesse Hackett's bill for services as Porter, and amount paid for assistance in moving Office-Furniture, and for Spittoons and Candlesticks	41 25
Feb. 22.	J. Genella's bill for Pitcher, Water, and Glasses	8 50
Feb. 28.	Jesse Hackett's bill for services as Porter	25 00
Mar. 4..	J. G. Clark's bill for Office-Furniture	97 50
Mar. 6..	Kirk & Co.'s bill Stationery	22 15
Mar. 6..	Despecher & Field, for Candles	4 50
Mar. 13	Post-Office bill, for Postage and Box-Rent	12 45
Mar. 31	Jesse Hackett's bill for services as Porter, and cash paid for Candles	29 50

April 29	Paid for Daily Bee	$2 00
April 29	Paid for Daily Sacramento Age	3 50
April 29	A. C. & W. Bidwell's bill for Coal	47 62
April 29	Paid for Daily Union	6 00
April 29	Sacramento Gas-Company, Gas and Pipe	6 80
April 29	Jesse Hackett's bill, services as Porter	25 00
May 20.	Paid to J. F. Fuller, for Computing-Telegraph	10 00
May 31.	Jesse Hackett's bill for services as Porter	18 00
		$451 89
	Balance of appropriation for Ninth Fiscal Year unexpended, January 1, 1858	451 51
	Amount overdrawn	38

Expenditure of Rent Fund for the half of the Fiscal Year ending June 30, 1858.

Feb. 3..	Hiller & Andrews' bill for the Rent of Office for the the month of January	$100 00
Feb. 28.	Boyd & Davis' bill for Rent of Office for February	70 00
Mar. 31.	Boyd & Davis' bill for Rent of Office for March	70 00
April 30	Boyd & Davis' bill for Rent of Office for April	70 00
May 31	Boyd & Davis' bill for Rent of Office for May	70 00
June 30	Boyd & Davis' bill for Rent of Office for June	70 00
		$450 00
	Balance of appropriation for Ninth Fiscal Year, unexpended, January 1, 1858	600 00
	Balance underdrawn to revert to General Fund	$150 00

Expenditure of Appropriation for Draughtsman, for the half of the Fiscal Year ending June 30, 1858.

Feb. 4..	Daniel McLaren's bill for services in January and part of February	$226 67
Feb. 28.	Edward Twitchell, Salary for portion of February	173 33
Mar. 31.	Edward Twitchell, Salary for the month of March	200 00
April 30	Edward Twitchell, Salary for the month of April	200 00
May 31.	Edward Twitchell, Salary for the month of May	200 00
June 30	Edward Twitchell, Salary for the month of June	200 00
		$1,200 00
	Amount of appropriation for the half of the Ninth Fiscal year, ending June 30, 1858	1,200 00

Expenditure of the Contingent Fund of the Surveyor-General's Office for the half of the Fiscal Year ending December 31, 1858.

July 14	John McCreary's bill, Newspaper	$8 00
July 14	Edward Twitchell, bill for amount paid for Expressing, Telegraphic Dispatch, Stationery, etc	42 25
July 14	Kirk & Co., bill for Stationery	29 85
July 14	Sacramento Post-Office, Box-rent and Postage	19 55
July 31	A. McNeal's bill, for Drawing-Boards	3 50
July 31	Daily Union	6 00
July 31	Jesse Hackett, services as Porter, and box of Candles.	39 50
Aug. 31	Edward Twitchell, bill for amount paid for Expressing, Stationery, Gas, etc	29 05
Aug. 31	Sacramento Post-Office bill, Box-rent and Postage	9 56
Sept. 12	Jesse Hackett's bill, paid for Clock, and services as Porter	31 00
Sept. 30	Jesse Hackett, services as Porter	25 00
Sept. 30	John Jones, bill for assistance in the Office	18 00
Oct. 1..	Wells, Fargo & Co's. bill for Expressing	33 50
Oct. 31.	Jesse Hackett's bill for services as Porter, and Candles	29 50
Sept. 27	Daily Union	6 00
Oct. 28.	Kirk & Co., bill for Stationery	31 00
Oct. 28.	Edward Twitchell, bill for amount paid for Expressing to Alta Company, sundries for the Office	30 82
Nov. 1..	Wells, Fargo & Co.'s bill for Expressing	18 25
Nov. 10	Subscription for San Francisco Herald	15 00
Nov. 11	H. A. Higley, for amount paid for Drawing-Instruments	13 00
Nov. 29	Jesse Hackett's bill, services as Porter	25 00
Nov. 29	Roland Shea's bill for Ruler and Chain	15 00
Nov. 29	John D. Hoffman's bill for Township-Plats	20 00
Dec. 1..	Wells, Fargo & Co.'s bill for Expressing	24 25
Dec. 11	Caduc & Co.'s bill for Coal	9 00
Dec. 20	Jesse Hackett, services as Porter	25 00
Dec. 13	Post-Office bill for Box-rent and Postage	22 47
	Total	$579 05
	Appropriation for Tenth Fiscal Year	900 00
	Balance unexpended	$320 95

Expenditure of Rent Fund for the half of the Fiscal Year ending December 31, 1858.

July 31	Boyd & Davis, bill for Rent of Office for July	$70 00
Aug. 31	Boyd & Davis, bill for Rent of Office for August	70 00
Sept. 30	Boyd & Davis, bill for Rent of Office for September	70 00

Oct. 31.	Boyd & Davis, bill for Rent of Office for October	70 00
Nov. 30	Boyd & Davis, bill for Rent of Office for November ...	70 00
Dec. 29	Boyd & Davis, bill for Rent of Office for December ...	70 00
	Total	$420 00
	Amount of Appropriation for Rent for Tenth Fiscal cal Year.....	840 00
	Balance unexpended.....	$120 00

Expenditure of the Appropriation for Draughtsman for the half of the Fiscal Year, ending December 31, 1858.

July 31	Edward Twitchell, for Salary for July.....	$200 00
Aug. 31	Edward Twitchell, for Salary for August.....	200 00
Sept. 31	Edward Twitchell, for Salary for September.....	200 00
Oct.....	Edward Twitchell, for Salary for October..	200 00
Nov. 31	Edward Twitchell, for Salary for November.....	200 00
Dec.....	Edward Twitchell, for Salary for December.....	200 00
	Total.....	$1,200 00
	Amount of Appropriation for the half of Tenth Fiscal Year ending December 31, 1858.....	1,200 00

Expenditure of the Contingent Fund of the State Land Office for the half of the Fiscal Year ending December 31, 1858.

July 8..	B. C. Newcombe's bill for making case for Papers, and one Chair.....	$50 50
July 8..	E. L. Barber, for making Seal of Office.....	22 00
July 8..	Kirk & Co., bill for Stationery.....	22 50
July 8..	H. A. Higley, bill for Stationery from San Francisco..	20 50
July 8..	H. A. Higley, bill for amount paid for Township-Plats.	48 00
July 31	John O'Meara, bill for Binding Book	30 00
July 31	John O'Meara, bill for Printing, Ruling, and Binding, a large Book.....	60 00
July 31	H. A. Higley, bill for expenses to Stockton to examine records of County Offices.....	25 00
July 31	Daniel Whipley, bill for Office-Desk and Chair.....	25 00
Oct. 30.	John O'Meara's bill for Binding Book	10 00
Oct. 28.	Kirk & Co., bill for Stationery.....	37 50

Dec. 23	John E. Munson's bill for Transcribing Record of School Land Selections in the U. S. Land Office, San Francisco	$87 50
	Total	$438 50
	Appropriation for Tenth Fiscal Year	700 00
	Balance unexpended	$261 50

Expenditure of the Appropriation for Clerk in the State Land Office for the Fiscal Year ending December 31, 1858.

July 31	John A. Brewster, services as Clerk for July	$200 00
Aug. 31	John D. Hoffman, services as Clerk for August	200 00
Sept. 30	Wilson Halsey, services as Clerk for September	150 00
Sept. 30	M. G. King, services as Clerk in September	84 00
Oct. 30	M. G. King, services as Clerk for October	182 00
Oct. 30	Wilson Halsey, services as Clerk for October	150 00
Nov. 29	M. G. King, services as Clerk for November	132 00
Nov. 29	Wilson Halsey, services as Clerk for November	100 00
	Total	$1,198 00
	Appropriation for Tenth Fiscal Year	1,200 00
	Balance unexpended	$2 00

I do solemnly swear, that the above account of the expenditure of the Contingent Fund of the Surveyor-General and Register of the Land Office is true and correct, in every particular, and that said expenditures were made for the purposes therein specified, and none other.

H. A. HIGLEY, Surveyor-General and Register.

Sworn and subscribed before me, this nineteenth day of January, A. D. one thousand eight hundred and fifty-nine.

CHAS. S. FAIRFAX, Clerk of Supreme Court.
By DAVID T. BAGLEY, Deputy Clerk.

The report of the State Superintendent of Public Instruction, exhibiting the disbursements of the Contingent Fund of his office, was received, and, on motion of Mr. Griffith, was referred to Finance Committee.

COMMUNICATION FROM SUPERINTENDENT OF PUBLIC INSTRUCTION.

To the Senate and Assembly of the State of California:

The Superintendent of Public Instruction has the honor to submit the accompanying statement of the expenditure of the Contingent Fund of his office:

Expenditure of Contingent Fund, by the Superintendent of Public Instruction, for the Fiscal Year ending June 30, 1858.

Cash paid for one month's subscription to Globe..	$1 00
Cash paid for half quire medium paper	50
Cash paid for copying Report	7 50
Cash paid for subscription to Herald	2 50
Cash paid for subscription to Union and State Journal	8 00
Cash paid for Newspapers	50
Cash paid for Postage, ($2 40,) and one quarter's rent Post-Office box, ($2.)	4 40
Cash paid for one-quarter ton of Coal	7 00
Cash paid for Postage-Stamps	5 00
Cash paid M. F. Game, for services as Clerk, (January.)	200 00
Rent, etc., of Office, for January	25 00
Cash Paid for repairing Press-Stand	3 00
Cash paid for Postage-Stamps	23 40
Wells, Fargo & Co.'s bill for Franks, ($10,) freight, ($3,)	13 00
Cash paid subscription to Papers	10 25
M. F. Game, for Copying	5 00
Cash paid for Postage-Stamps	5 00
M. F. Game, for writing in office	5 00
One month's Rent, etc., of Office, for February	25 00
Bill of Hodge & Wood, for Stationery	70 00
One month's Rent, etc., of Office, (March.)	25 00
Cash paid for thirteen weeks' subscription to Sacramento papers	13 00
One month's Rent, etc., of Office, (April.)	25 00
Cash paid Subscription to Herald	4 00
One Quarter's Rent of Post-Office Box	2 00
M. F. Game, Services in Office during April	50 00
Subscription to Globe	2 75
Subscription to sundry Papers, $2, $5, $10, $4 50	21 50
M. F. Game, Services as Clerk, in May	200 00
One month's rent of Office (May)	25 00
Two Spittoons	1 50
Turpentine and Brush	1 50
Bill of Wells, Fargo & Co., for Franks	20 00
Postage-Stamps	15 00
One month's rent of Office for June	25 00
M. F. Game, services as Clerk for June	145 00
Bill of Hodge & Wood, for Stationery	12 00
Total	$1,009 30

FOR FISCAL YEAR ENDING JUNE 30, 1859.

Services of M. F. Game, in Office, for July	$100 00
Cash paid for quarter's rent of P. O. Box and Postage	2 65
Cash paid Wells, Fargo and Co., for Freight	$2 50

Cash paid for subscription to Herald	2 50
Cash paid for Subscription to Globe	2 00
Cash paid for Subscription to American Encyclopœdia	4 00
Services of M. F. Game in Office for August	100 00
Bill of Hodge & Wood, for Stationery	56 00
Bill of Alta Express Co., for transporting Laws and Blanks	125 00
Services of M. F. Game, in Office, for September	75 00
Subscription to Herald	2 00
Subscription to Encyclopœdia	2 00
Cash paid for Candles	5 50
Cash paid for Rack-hooks	1 50
Cash paid for Subscription to Herald	2 50
Cash paid for Subscription to California Journal	5 00
Cash paid for Subscription to Sacramento Union	6 50
Cash paid for Postage and Quarter's Box-rent	12 92
Bill of Alexander Macy, for Redwood Case and Shelves	24 00
Bill of Alexander Macy, for Postage-stamps	3 10
Services of M. F. Game, in Office, for October	100 50
Cash paid Wells, Fargo & Co., for Expressing	5 00
Cash paid for Subscription to National	3 75
Cash paid for Subscription to Herald	3 00
Cash paid for Lectures on Education	2 00
Cash paid Wells, Fargo & Co., for Expressing	1 00
Cash paid Wells, Fargo & Co., for Expressing	1 50
Cash paid Wells, Fargo & Co., for Expressing	1 50
Cash paid Wells, Fargo & Co., for Expressing	4 25
Cash paid Wells, Fargo & Co., for Expressing	1 00
Cash paid Wells, Fargo & Co., for Expressing	1 50
Cash paid Alta Express Co., for Expressing	4 50
Cash paid for quarter ton of Coal	6 25
Services of M. F. Game, for November	150 00
Cash paid subscription to National	1 50
Wells, Fargo & Co. for Expressing	2 50
Cash paid subscription to Herald	2 00
Cash paid subscription to Daily Sacramento Union	5 00
Cash paid one quire medium Paper	75
Services of M. F. Game, for December	150 00
Total	$983 11

EXPENDITURE OF RENT FUND.

Rent and care of Office for July	$25 00
Rent and care of Office for August	25 00
Rent and care of Office for September	25 00
Rent and care of Office for October	25 00
Rent and care of Office for November	25 00
Rent and care of Office for December	25 00
Total	$150 00

I do solemnly swear, that the above account of the expenditure of the Contingent Fund of the Superintendent of Public Instruction is true and correct, in every particular, and that said expenditures were made for the purposes therein specified, and none other.

ANDREW J. MOULDER,
Superintendent of Public Instruction.

Sworn and subscribed before me, this nineteenth day of January, A. D. one thousand eight hundred and fifty-nine.

CHAS. S. FAIRFAX, Clerk of Supreme Court,
By DAVID T. BAGLEY, Deputy Clerk.

On motion of Mr. Griffith, the Senate adjourned.
Approved.

JOS. WALKUP, President of the Senate.
Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

THURSDAY, January 20, 1859.

Senate met, pursuant to adjournment.
President in the Chair.
Roll called.
Journals of yesterday read and approved.

REPORTS.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 37, an Act amendatory of, and supplemental to, an Act entitled "An Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning," have had the same under consideration, and recommend the passage of the bill, with the following amendments.

HOLDEN, Chairman.

First—In the fourth line of section first, strike out, after the word "approved," in said line, to "Treasury," including the word "Treasury," in the sixth line, and insert "April twenty-first, one thousand eight hundred and fifty-eight, entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer."

Second—At the end of section fourth, "It is the true intent and meaning of this Act, and the Act to which this Act is supplemental and amendatory, that each of the several funds named in this Act shall be kept separate and distinct, and that interest shall be paid at the rate of ten per cent. per annum upon the balance due for school lands, seminary lands, or public building lands, which interest be paid annually, one year in advance."

Report accepted, and, with bill, placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following report, which was accepted, and, with bills, placed on file:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 52, "An Act amendatory of an Act to fix the time for holding the terms of the District Courts throughout this State," passed May eighteenth, one thousand eight hundred and fifty-three, have had the same under consideration, report the bill back, and recommend its passage.

Joint-Resolution in relation to fraudulent Mexican land-grants, is herewith reported back, amended, and your Committee recommend that it be passed, as amended:

Amend, by striking out the words "the Assembly concurring," and insert in lieu thereof "and Assembly of the State of California; strike out, in the last line, the words "and fact." Add to the resolution, after the word "cases," the words "occurring either in the confirmation, survey, or the location of said grants.

BURCH, Chairman.

Mr. Thom, of the Special Committee to whom was referred Senate bill No. 50, made the following report:

MR. PRESIDENT:—The Special Committee to whom was referred Senate bill No. 50, being "An Act amendatory of an Act to change the time of holding the Court of Sessions and County Court of the County of Los Angeles," approved April eighth, A.D. one thousand eight hundred and fifty-eight, have had the same under consideration, and beg leave to report the bill back to the Senate, and, with the accompanying amendments, recommend its passage.

THOM, of Committee.

Add in section third:

Section third—The Court of Sessions, in and for the County of Yolo, shall be held on the first Mondays of April, July, and December, of each year. The terms of the County Court of Yolo County shall be held on the first Mondays of January, May, and September, of each year. The terms of the Probate Court of Yolo County shall be held on the second Mondays of January, March, May, July, September, and November.

Section fourth—An Act entitled "An Act to change the time of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven, is hereby repealed.

Report accepted, and, with bill, placed on file.

Mr. Merritt offered the following Concurrent-Resolution:

Resolved, By the Senate, the Assembly concurring, that one thousand copies of the Governor's Message be printed in the German language, for the use of the Senate and Assembly.

Mr. Anderson moved to amend by inserting one thousand in French.

Which was lost.

Mr. Kirkpatrick moved to amend by inserting five hundred in French.

Which was lost.

Question recurring upon the original resolution, the ayes and noes were

demanded, by Messrs. Pacheco, Anderson, and Merritt, and taken, with the following result: ayes, 16—noes, 13:

AYES—Messrs. Allen, Ballou, Grant, Griffith, Lansing, McDonald, Merritt, O'Farrell, Parks, Parker, Phelps, Price, Redman, Titus, Wheeler, and Williams—16.

NOES—Messrs. Anderson, Baker, Berry, Bradley, Burton, Dent, Dickinson, Garter, Holden, Pacheco, Quinn, and Thom—13.

So the resolution was adopted.

Mr. Burch offered the following resolution, which was adopted:

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant on the State Treasurer in favor of David J. Williamson, for one hundred and thirty-six dollars, for services rendered from January third to January nineteenth, inclusive, payable out of the Contingent Fund of the Senate.

GENERAL FILE.

Senate bill No. 52, "An Act amendatory of an Act to fix the time for holding the terms of the District Courts throughout this State," passed May eighteenth, one thousand eight hundred and fifty-eight—

On motion of Mr. Thom, the reading of the bill was dispensed with, rules suspended, bill considered engrossed, read a third time, and passed.

Joint-Resolution No. 8, "in relation to fraudulent Mexican land-grants," was considered in Committee of the Whole.

IN SENATE.

Reported back, and, upon motion of Mr. Garter, Joint-Resolution was recommitted to the Judiciary Committee.

Senate bill No. 37, "An Act amendatory of, and supplemental to, an Act for the location and sale of the unsold portion of the five hundred thousand acres of land granted for school purposes to this State, and the seventy-two sections donated to this State for the use of a seminary of learning," approved April twenty-third, A. D. one thousand eight hundred and fifty-eight, was considered in Committee of the Whole, and amendments adopted.

IN SENATE.

Reported back, amendments concurred in, and bill ordered engrossed.

Senate bill No. 50, "An Act amendatory of an Act to change the time of holding the Court of Sessions and County Court, of the County of Los Angeles," approved April eighth, one thousand eight hundred and fifty-eight—

On motion of Mr. Griffith, the consideration of the bill in Committee of the Whole was dispensed with, the rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Griffith, the title of the bill was amended so as to read, after the words "Los Angeles," "and Yolo."

SPECIAL ORDERS.

President *pro tem.* in the Chair.

Senate bill No 27, an Act to authorize the construction of certain wharves, was taken up

Mr Burch moved a call of the Senate, which was lost

Question being upon the final passage of the bill, the ayes and noes were demanded, by Messrs Berry, Burch, and Burton, and taken, with the following result: ayes, 17—noes, 12:

Ayes—Messrs Allen, Ballou, Burch, Grant, Griffith, Lansing, McDonald, Merritt, O'Farrell, Parks, Parker, Phelps, Price, Redman, Titus, Wheeler, and Williams—17

Noes—Messrs Anderson, Baker, Berry, Bradley, Burton, Dickinson, Garter, Holden, Pacheco, Quinn, and Thom—12

So the bill was passed

Mr Burch gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr President:—The Committee on Engrossed Bills have examined Senate bill No 25, "An Act to establish a standard of weights and measures, and to repeal all other Acts in relation thereto," and find the same to be correctly engrossed.

BAKER, Chairman.

Report accepted, and placed on file.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

Office of Board of Examiners,
January 20, 1859.

To the Senate of California:

I transmit, herewith, sundry accounts, which have been passed upon by the Board of Examiners, amounting, in the aggregate, to $2,249 21½. (See following list.)

JOHN B WELLER, President of Board.

Account.	Amount.
Eldridge & Bro., for Vegetables for Insane Asylum, in 1857 and 1858	$435 01
S. Selig & Bro., for Tobacco furnished Insane Asylum, in the months of March and May, 1858	32 92
Stockwell & Underhill, for Dry goods, etc., furnished Insane Asylum, in the months of March and April, 1858	124 33
Isidore Cohen, assignee of Jesse Atwill et als v. The State of California, for Services rendered as Watchman, etc., to Insane Asylum, in April and May, 1858	180 00
Charles Benjamin, for Services of himself and wife, as Keepers of the Male and Female Wards of Insane Asylum, in 1857	135 00

Account.	Amount.
T. Robinson Bours & Co., assignees, etc., of H. T. Compton et als., for Groceries, and Services rendered Insane Asylum, in 1858	$872 63
Hale & Wheeler, for Vegetables furnished Insane Asylum, in 1858	296 35
Fox & O'Connor, for Liquors furnished Insane Asylum, in 1857	173 00
Total	$2,249 24

On motion of Mr. Burton, the report, with accounts, was referred to the Committee on Claims.

General file resumed.

Senate bill No. 25, "An Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto," was considered in Committee of the Whole.

IN SENATE.

Bill reported back.

Mr. Burch moved to recommit, with instructions.

Which was lost.

The question being on the final passage of the bill, the ayes and noes were demanded, by Messrs. Merritt, Baker, and Burton, and taken, with the following result: ayes, 16—noes, 17:

AYES—Messrs. Anderson, Baker, Ballou, Berry, Bradley, Burton, Dickinson, Hamm, Holden, Ketcham, McDonald, Pacheco, Parker, Quinn, Titus, and Williams—16.

NOES—Messrs. Allen, Burch, Dent, Denver, Garter, Grant, Griffith, Hart, Kirkpatrick, Lansing, Merritt, O'Farrell, Parks, Price, Redman, Thom, and Wheeler—17.

So the bill was lost.

Mr. Pacheco, by leave, introduced a bill for "An Act to amend an Act entitled an Act concerning the office of Secretary of State," passed May fourth, one thousand eight hundred and fifty-four.

Which was read first and second times, and, on motion of Mr. Thom, section first, fifth line, was amended by striking out the word "third," and inserting the word "second,"

On motion of Mr. Burton, the following amendment was inserted after section first:

Section third of the Act concerning the office of Secretary of State, is amended to read as follows:

Section third—The Secretary of State shall keep his office at such a place as other State officers are required to reside by law, and keep the same open in person, or by his deputy, on all days on which business is usually done, from the hour of ten o'clock in the forenoon, until two o'clock in the afternoon.

On motion of Mr. Pacheco, the rules were further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Berry, the Senate adjourned.

Approved.

JOSEPH WALKUP, President Senate.

Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

FRIDAY, January 21, 1859.

The Senate met, pursuant to adjournment.
The President in the Chair.
Roll called.
Journals of yesterday read and approved.

REPORTS.

Mr. Pacheco, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Senate bill No. 44, an Act concerning animals found trespassing, have had the same under consideration, and report the same back, recommending its indefinite postponement.

R. PACHECO, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 22, "An Act to regulate the fees of certain officers in the County of Tuolumne;"

Also, Senate bill No. 26, "An Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of the revenue, in the Counties of Sonoma, Mendocino, Colusa, and Sutter;"

Also, Senate bill No. 28, "An Act relating to the Coroner of the City and County of San Francisco;"

And find the same correctly enrolled.

BERRY, Chairman.

Also, the following:

MR. PRESIDENT: Your Committee on Enrolled Bills, on the twentieth day of January, A. D. one thousand eight hundred and fifty-nine, at two o'clock and thirty minutes P. M., presented to his Excellency, the Governor, for his approval:

Senate bill No. 29, "An Act to legalize an order of the Court of Sessions of the County of Siskiyou, and all the proceedings had thereunder, and dependent thereon."

BERRY, Chairman.

Reports accepted.

COMMUNICATION FROM THE ATTORNEY-GENERAL.

The following communication was received from the Attorney-General:

ATTORNEY-GENERAL'S OFFICE,
Sacramento, January 20, 1859.

To the Senate and Assembly of California:

I have the honor to report that I have made the examination required by an Act entitled "An Act providing for an examination and settlement of the accounts of S. A McMeans, late State Treasurer," passed March seventeenth, one thousand eight hundred and fifty-eight.

The books of Mr. McMeans were in such a condition as to render it utterly impossible for me to make the examination contemplated, in person, and at the same time discharge other official duties, of more importance to the public. I therefore procured the assistance of Robert P. Lee, a competent book-keeper.

Mr. Lee was recommended by a number of gentlemen, in whom I have confidence, as an honorable, worthy gentleman, and as being fully competent to the task assigned him. I can now add my testimony in corroboration of the recommendation so made. I instructed him, at the beginning, to use all care, and to become assured that his work was such as to warrant his testifying to its correctness.

I herewith transmit the report made by him to me, which I have every reason to believe is as correct a statement of the accounts between the State and the late Treasurer, as it is possible to make from the evidence in existence.

During Mr. McMeans' term he filed three distinct official bonds. At the filing of each new bond, the one preceding ceased to be responsible for his official acts; hence, I divided his accounts into three periods, for the purpose of determining against whom of his different sureties I should proceed, in the event a delinquency was discovered. I was aware that such course might not be entirely satisfactory, for the reason that his books would be likely to show, as *cash on hand*, at the beginning of each new period, an amount which, added to the vouchers held by him, would equal the entire receipts, and that it would be impossible for me to determine the truth of the statement that was shown by the books.

You will therefore readily discover that the sureties upon the first and second bonds would escape liability, unless payments were made, or money was used, without authority of law, during the period of their liability, and the same should appear from the books. It is possible that such liability has accrued against the sureties on the first bond.

If the matters stated in the "Report of the Joint Committee of Senate and Assembly, appointed to examine the books and papers of the late State Treasurer," (published in the Senate Journal of the Seventh Session of the Legislature, page 675,) be true, the sureties upon that bond are, in my opinion, liable to the State in the sum of $29,785 47. But Doctor McMeans and his clerk say that such report does not contain the facts. He (McMeans) states that the receipts mentioned in said report were never used but once, and, consequently, the proceeding, though somewhat irregular, did not result in any injury to the State.

If his statement be true—and I am inclined, from all the facts which I can gather, to think that it is—then there is no liability on the part of the sureties mentioned.

However, as it was a subject of doubt, and as the claim would have been within the Statute of Limitations before the Legislature could have

taken action, I thought it prudent to commence proceedings, and, therefore, on the 5th instant, instituted an action in the District Court of the Sixth Judicial District, in the name of the State of California, against McMeans et al., for the sum of $29,785 47, and interest.

As I desire to avoid spending money in useless litigation, I have to request that you will appoint a joint committee of lawyers, to examine into the facts of the case, and determine whether the action shall be further prosecuted.

In reference to the second bond, the only chance for a liability arises out of a transaction between the Treasurer and one A. J. Butler. It appears that on the twenty-ninth day of May, A. D. one thousand eight hundred and fifty-five, Butler presented, for payment, a number of Controller's warrants, and, in part return, received a Treasurer's certificate of balance, in the sum of $12,982.

The Treasurer, upon his books, credited himself with the redemption of the warrants, but failed to charge himself with the certificate, which, as a matter of course, stood as a demand against the State.

Nothing further, in reference to this transaction, appears upon the books or among the papers of the Treasurer. But the final disposition of this certificate is explained by an affidavit filed with me, which is in words and figures as follows:

STATE OF CALIFORNIA,
City and County of San Francisco, } ss.

I, A. J. Butler, resident of the said City and County, after being duly sworn, do on oath declare, that on or about the twenty-ninth day of May, one thousand eight hundred and fifty-five, a certificate of balance was issued to me for the sum of twelve thousand nine hundred and eighty-two dollars, ($12,982 00,) and signed by Geo. W. Gift, on behalf of S. A. McMeans, as Treasurer of State. I also declare, that I never sold, assigned, or transferred the same, and that it was on the same day of the date thereof, or within a few days thereafter, paid to me, either in cash, bonds, or warrants, and delivered up to the said Treasurer, or to his clerks, to be collected and annuled, and this affiant entirely and absolutely disclaims all or any right to claim or demand the amount, or any part thereof, from the said State, and this affiant believes the amount thereof so paid to this affiant should be allowed a credit to the said McMeans, in his settlement with the authorities of said State.

A. J. BUTLER.

Subscribed and sworn to before me, this fourteenth day of August, A. D. one thousand eight hundred and fifty-eight.

[L. S.] D. B. HEMPSTEAD, Notary Public.

I think this explanation is satisfactory, for the reason, that the certificate has never been, since the time spoken of by Butler, presented to any Treasurer for payment, and it is hardly probable that the holder thereof, if it was still out, would retain it, especially when the only opportunity for ever realizing anything upon it was passing away.

I therefore determined not to commence any suit on account of this transaction, and will adhere to such determination unless otherwise instructed by the Legislature.

I regret that Mr. McMeans' official transactions during the period of the last bond do not appear so favorable to him as that of the second.

You will see, by Mr. Lee's report, that the most favorable statement to

the Treasurer leaves a deficit against him in the sum of eighteen thousand nine hundred and sixty-five dollars and thirty-four cents.

But of the credits allowed him in this statement, there are two which, in my opinion, can not be admitted.

I speak of the amount "paid Selover & Sinton, thirty-one thousand three hundred dollars;" and amount "paid Palmer, Cook & Co., exchange, fifteen thousand two hundred and seventy dollars and twenty-six cents," making a deficit of sixty-five thousand five hundred and thirty-five dollars and sixty cents, which I think can not, with any success, be controverted in a Court of Law.

Including doubtful charges, the deficit would appear greater.

For your information and satisfaction, I have caused accounts to be presented in different exhibits, showing the sums yet due the State, under the different views held by those who, at different times, have investigated this subject. To all of which, your attention is respectfully invited.

I learn that the sureties upon the last bond are insolvent, or so to all appearances; I therefore wait your instructions as to the course which I shall pursue.

During the examination spoken of, we ascertained that redeemed warrants, uncanceled, however, had been abstracted from the Treasury, and that twenty-two thousand two hundred and fifty-one dollars of the sum had been bonded by the present State Treasurer in favor of Wells, Fargo & Co. For particulars, I refer you to Mr. Lee's Report.

I instituted an action against Wells, Fargo & Co., in the District Court, Twelfth Judicial District, to recover the value of the bonds received by them: which action is still pending.

To defray the expenses of this investigation, the Legislature only appropriated the sum of five hundred dollars. I was satisfied, before commencing, that this sum would be insufficient, and it was with great reluctance that I did so, as I would thereby incur liabilities which might not meet your approbation.

I am now, however, gratified that I proceeded to act as the Legislature expected; because, if no other good results from the labor and expense, we are compensated in the discovery of the abstraction of Controller's Warrants, which, but for this examination, would never have been known.

The accounts herewith transmitted, show the manner of expenditure of the five hundred dollars. There is yet due Mr. Lee, as appears by his sworn account, which is correct, the sum of eight hundred and ninety-six dollars. I respectfully request an immediate appropriation to meet the payment of the same.

I have retained the new book made by Mr. Lee, and am prepared to make any explanations or give any further information which you may desire. Mr. Lee expresses a willingness to do likewise.

On the twenty-eighth December, last, I informed Doctor McMeans, by letter, that I was prepared to make a settlement with him, as authorized by the Act of March seventeenth, one thousand eight hundred and fifty-eight. A few days afterward, I received a reply written by D. E. Stockman, informing me of the Doctor's severe indisposition, and consequent inability to transact business, and referring me to Messrs. Redding and Hastings, two of his sureties. Since that time I have not sent or received any further communication upon the subject.

Hoping that the subjects embraced in this report may receive your early attention,

I am, respectfully, etc.,
THOS. H. WILLIAMS,
Attorney-General, Cal.

STATE OF CALIFORNIA,
Sacramento, December 3, 1859.

Thos. H. Williams, Esq., Attorney-General:

DEAR SIR:—In pursuance of your instructions, I have thoroughly examined the books, vouchers, and papers, of Ex-Treasurer McMeans, for his term of office, commencing January second, one thousand eight hundred and fifty-four, and ending January second, one thousand eight hundred and fifty-six.

There being no Ledger, and so many books imperfectly kept, and entirely without system, it was necessary to reduce all the entries into one. I took the Day-book, as the most proper one for that purpose, and the only one in which the entries were sufficiently explicit to enable me to keep the cash and warrant accounts separately. The Day-book, it appears, was kept from January second, one thousand eight hundred and fifty-four, to January thirty-first, one thousand eight hundred and fifty-five, and then a large book, intended to answer the purpose of a Ledger and Cash-book combined, was opened, and continued to the end of the term.

After being satisfied, by careful examination, that all the items were entered and corrected on the books intended to post from, I commenced a new Ledger, posting the items to the different accounts, as they should have been at the time of the transactions, opening a separate set of accounts on the filing of each bond, viz., January second, one thousand eight hundred and fifty-four, January sixth, one thousand eight hundred and fifty-five, and July twenty-fourth, one thousand eight hundred and fifty-five, and took off a trial-balance at the termination of each, which convinced me of the correctness of the posting and addition.

The book-account, as made up to the filing of each new bond, shows the amount of cash, warrants, bonds, etc., that *ought* to have been on hand at those periods, but there are no means of *knowing* that those amounts were on hand, as shown by the Ledger-balances of January fifth, one thousand eight hundred and fifty-five, page twenty-one; July twenty-third, one thousand eight hundred and fifty-five, page thirty-seven; and January second, one thousand eight hundred and fifty-six, page fifty-one.

I also made up a General Account for the whole term, comprising every debit or credit that could be found on the books or among the papers, taking the Treasurer's Reports to the Legislature, of receipts for State property sales, viz., four hundred and fifty-four thousand eight hundred and twenty-three dollars and twenty-five cents, as correct.

And another General Account, using the same amounts as above, omitting, by your advice, several items as illegal. For particulars, see accounts herewith transmitted.

The receipts for State property sales, I kept entirely separate from any other account, excepting the cash, four thousand seven hundred and thirty dollars and nineteen cents, which was posted regularly, as per dates, into the General Cash Account, and "State Property Account," distinct from what I have called, on Ledger, "State Property Warrant Account," which includes all receipts except cash, the total receipts for

State property sales, three hundred and fifty-two thousand three hundred and fifteen dollars and two cents, as per book account. This includes the amount received from the City of San Francisco, fifty thousand dollars—being twenty-five per cent. for account of sale of City Slips, under Act of March twenty-sixth, one thousand eight hundred and fifty-three, and does not include the twenty-nine thousand seven hundred and eighty-five dollars and forty-seven cents, returned Treasurer's receipts, of which there is no mention made on the books.

In making up the General Account, I have used the amount reported by the Treasurer to have been received for State property sales, four hundred and fifty-four thousand eight hundred and twenty-three dollars and twenty-five cents, (which includes the fifty thousand reported in tabular statement, separate from State property, and the twenty-nine thousand seven hundred and eighty-five dollars and forty-seven cents,) also made several exhibits of balance by using the different amounts reported to have been paid, or received at the State Treasury for State property sales.

After completing the Ledger-accounts, I entered in Ledger, under head of vouchers, all the warrants, bonds, certificates of balance, and other vouchers on hand. Upon addition of my warrant columns, I had not so large an amount by thirty-five thousand eight hundred and seventy-four dollars and twenty cents, as reported by Mr. Ball, when he examined the book in the year eighteen hundred and fifty-six. I called upon him to explain the difference, and he exhibited to me a list of the warrants, (numbers, dates, and amounts,) which he had made during his investigation. We checked off our lists, which convinced me that I had not so many warrants as he had, by a large number. Mr. Ball then made a list of the missing warrants, amounting to thirty-five thousand eight hundred and seventy-four dollars and twenty cents, attaching his oath to the same, showing that those warrants had been in his possession, and returned by him to the Treasurer's office. I filed said list with the present State Treasurer, when it was ascertained that twenty-two thousand two hundred and fifty-one dollars of the same numbers, dates, and amounts, had been funded in January, one thousand eight hundred and fifty-eight.

A certificate of balance, number two hundred and forty-two, dated May twenty-ninth, one thousand eight hundred fifty-five, for twelve thousand nine hundred and eighty-two dollars, upon sundry warrants, appears to have been issued to one A. J. Butler, which can not be accounted for. It is not entered as redeemed upon the books, or as burnt by any committee, neither is it among the vouchers. Mr. Butler, you will remember, in his affidavit filed with you, says that the Treasurer paid him in warrants, bonds, or cash, the amount of this certificate, within a few days after its issuance, and that he delivered the same up for cancellation, that he never assigned or transferred it to any one, and that he makes no claim aganist the State on account of it.

I also transmit, herewith, the Ledger made by me, with explanatory notes, references, and indexes.

The want of system and difficulty of ascertaining the origin and correctness of many entries and portions of the books, has cost me much more time and trouble than I anticipated.

Hoping that I have discharged the duties assigned me satifactorily,

I am, respectfully,

Your obedient servant,

R. P. LEE, Jr.

No. 1.—*Receipts, from January 2, 1854, to January 2, 1856, dates inclusive.*

Total amount cash received	$1,439,834 74	
Less cash for State property sales	4,730 19	
		$1,435,113 55
Warrants received from County Treasurers, for taxes		190,919 02
School-land Warrant, issued on Controller's order		640 00
Bonds issued under Act of 1851		1,000 00
Bonds issued under Act of 1852		800 00
Bonds issued under Act of 1853		8,500 00
Bonds issued under Act of 1855		700,000 00
Certificates of Balance issued		59,742 39
Discount on Bonds redeemed below par		475 00
Discount on State-Prison Bonds redeemed below par		51 96
Coupons deducted from Bonds redeemed		1,505 00
Total receipts, exclusive of State property account		$2,398,746 92
Add amount received for State property sales, as per Treasurer's Reports to the Legislature		454,823 25
		$2,853,570 19

Expenditures.

Warrants and Certificates of Balance burnt by Committee	$1,017,735 54
Warrants on School Fund burnt by Committee	90,690 01
Bonds of 1851 burnt by Committee	17,500 00
Temporary State Loan Bonds burnt by Committee	325 00
Bonds of various kinds burnt by Governor and Controller	127,000 00
Warrants on various Funds burnt by Governor and Controller	700,000 00
Bonds of various kinds burnt by Governor and Controller	114,000 00
Cash Balance paid Henry Bates, Treasurer	30,149 01
Loss on Gold dust from Mariposa and Siskiyou Counties	730 07
Loss by failure of Adams & Co	6,279 27
C. W. Rand, amount refunded as deposit ten per cent. on Bond Redemption	2,800 00
"Alta California," advertising for Bond Redemption	32 00
Interest paid on Bonds redeemed	1,463 75
Interest paid on Temporary State Loan Bonds redeemed	476 85
Interest allowed on Bonds received for State property	211 73
Palmer, Cook & Co., for Interest on Bonds due in New York	258,787 80
Palmer, Cook & Co., for Coupons from Interest Fund of 1851	3,919 87
Warrants now on hand	313,076 56
Warrants now missing, as per record of Mr. Ball	35,874 20
Bonds now on hand	6,500 00
Certificates of Balance on hand	14,107 64
Coupons redeemed at Treasurer's Office	3,107 80
	$2,744,767 10
Balance deficit	108,803 07
	$2,853,570 17

Exhibit No. 2.

Take amount debit, as in No. 1, exclusive of receipts for State property sales			$2,398,746 92
Add State property receipts, as per Treasurers' Reports			454,823 25
			$2,853 570 17
Take amount credit, as in No. 1		$2,744,767 10	
Add amounts objected to as illegal, viz.:—Paid Selover, Sinton & Co.	$31,300 00		
Treasurer's returned Receipts	29,785 47		
Palmer Cook & Co., Exchange	15,270 26		
Butler's Certificates	12,982 00		
Hoge & Wilson	500 00		
		$89,837 73	
			2,834,604 83
As per above, taking total amounts of debits and credit that can be found—Balance deficit			$18,965 34
			$2,853,570 17

Exhibit No 3.

Take amount debit, as in No. 1	$2,398,746 92
Add receipts for State property sales, as per Land Commissioners' Reports to the Legislature	483,751 20
	$2,882,498 12
Take amount credit, as in No. 1	2,744,767 10
As per this Exhibit—Balance deficit	$137,731 02

Exhibit No. 4.

Take amount debit, as in No. 3—Total	$2,882,498 12
Take amount, credit as in No. 2—Total	2,834,604 83
As per this Exhibit—Balance deficit	$47,893 29

Exhibit No. 5.

Take amount debit, as in No. 1	$2,398,746 92
Add receipts for State property sales, as per book-account alone	352,315 02
	$2,751,061 94

Amount brought forward	$2,751,061 94
Take amount credit, as per book-account, (not using Bond or Warrant Redemption Registers,) see items on Ledger, page 451	$2,702,572 26
As per book-account alone, balance deficit	$48,489 68

EXHIBIT No. 6.

Take amount debit, as in No. 5—Total	$2,751,061 94
Take amount credit, as per Book-account for all credits, excepting Bonds and Warrants redeemed, which are taken from the Redemption Registers only, (see items on Ledger, page 453.)	$2,679,056 90
As per above exhibit, there are not so many Warrants and Bonds on the Redemption Registers as on the books, by $23,515 36—and balance deficit	$72,005 04

The Secretary proceeded to read, when, on motion of Mr. Thom, the reading was dispensed with.

Mr. Burton, moved that the report, with accompanying papers, be referred to a joint committee, consisting of three members from each House.

Which was adopted.

The President appointed, on the part of the Senate, Messrs. Burton, Dent, and Ballou, said Committee.

Mr. Merritt, by leave, introduced a bill for "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites of light-houses, and for other purposes, on the coasts and waters of this State."

Which was read first and second times, and referred to the Judiciary Committee.

President *pro tem.* in the Chair.

Mr. Burch moved that Senate bill No. 27, "An Act to authorize the construction of certain wharves," passed on yesterday, be reconsidered.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Burton, and Phelps, and taken, with the following result: ayes, 17—noes, 17:

AYES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Holden, Kirkpatrick, O'Farrell, Pacheco, Phelps, Quinn, and Thom—17.

NOES—Messrs. Allen, Ballou, Grant, Gregory, Griffith, Hart, Hamm, Lansing, McDonald, Merritt, Parks, Parker, Price, Redman, Titus, Wheeler, and Williams—17.

So the motion to reconsider was lost.

Mr. Wheeler, by leave, introduced a bill for "An Act to amend an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," passsed April twenty-ninth, one thousand eight hundred and fifty-one, which was read first and second times, and, on motion of Mr. Wheeler, bill referred to the Judiciary Committee.

Mr. Bradley, by leave, introduced a bill for an "An Act to fund the entire indebtedness of Calaveras County, contracted prior to the first day of January, one thousand eight hundred and fifty-nine, and to provide means for the payment of the same."

Which was read first and second times, and referred to the delegation from Calaveras and Amador.

Mr. Titus, by leave, introduced a bill for "An Act fixing the salaries of District-Attorneys of certain Counties in this State."

Which was read first and second times, and referred to the El Dorado and Tuolumne delegation.

Mr. Williams, by leave, introduced a bill for an Act to amend an Act entitled "An Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly on yesterday passed Assembly bill No. 29, "An Act to change the name of Walter Scott Tarbox to Walter Scott.

C. GILMAN, Clerk.

JANUARY 21, 1859.

Assembly bill No. 29, "An Act to change the name of Walter Scott Tarbox to Walter Scott, was taken up, read first and second times, and, on motion of Mr. Quinn, referred to the Committee on Finance.

The following communication was received from the Surveyor-General, and referred to the Committee on Public Printing:

STATE OF CALIFORNIA, STATE LAND OFFICE,
Sacramento, January 21, 1859.

To the Senate and Assembly of California:

The Surveyor-General would respectfully represent, that five hundred copies of his Annual Report, and one thousand copies of so much of it as contains the locations of school-land warrants, are imperatively needed for the use of his office. He therefore prays that your honorable body will take such action as will enable him to obtain the additional number of copies named.

He has the honor to subscribe himself,

Very respectfully,
H. A. HIGLEY, Surveyor-General and Register.

Mr. Berry offered the following resolution, which was adopted:

Resolved, That the Assembly be, and hereby is, respectfully requested, to return to the Senate, for correction, Senate bill No. 8, "An Act to repeal an Act to provide for the appointment of a Gauger for the Port of

San Francisco," passed May third, one thousand eight hundred and fifty-two.

Mr. Holden offered the following Concurrent-Resolution:

Whereas, The Ninth Session of the Legislature of the State of California passed resolutions instructing our Senators in Congress to support the policy of the National Administration, in regard to the admission of Kansas under the Lecompton Constitution; *And*, *whereas*, the Honorable David C. Broderick, U. S. Senator from this State, not only disregarded said instructions, but indirectly charged that the members of said Ninth Session of the Legislature had misrepresented the wishes of their constituents; *And*, *whereas*, the people of this State, at the last election, triumphantly sustained the action of the members of said Ninth Session of the Legislature: Therefore, for the purpose of giving to the said Honorable David C. Broderick a full understanding of the position he occupies to his constituency, be it

Resolved, By the Senate, the Assembly concurring, that the Legislature of a State constitutes the immediate constituency of a United States Senator.

2. *Resolved*, That a constituency has at all times the right, and it is their duty, when deemed necessary, to instruct their Representatives upon all matters of public policy pertaining to the duties of such Representatives. When so instructed, there is left no other honorable alternative save obedience or resignation.

3. *Resolved*, That Senator Broderick has neither yielded obedience to the instructions of the Ninth Session of the Legislature of this State, nor has he, as yet, resigned the seat he holds contrary to the wishes of his constituency.

4. *Resolved*, That the language used in the speech of said Senator, on the twenty-second of March, A. D. one thousand eight hundred and fifty-eight, in the United States Senate, towards the Chief Executive of this Confederacy, was not only undignified and disrespectful, but alike insulting to the Nation and humiliating to the people of this State.

5. *Resolved*, That his Excellency, the Governor of this State, be requested to forward a copy of the above resolutions to the Honorable D. C. Broderick.

Mr. Burton moved a call of the Senate, which was lost.

Mr. Holden moved to consider the resolutions now, and called the previous question.

The question being, "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Holden, Baker, and Burton, and taken, with the following result: ayes, 23—noes, 11:

AYES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Dent, Dickinson, Denver, Garter, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Parks, Price, Quinn, Redman, Thom, and Titus—23.

NOES—Messrs. Allen, Ballou, Burton, Grant, Gregory, Griffith, Hart, Parker, Phelps, Wheeler, and Williams—11.

DECLINED—Mr. Pacheco.

So the main question was ordered.

The question recurring upon the adoption of the resolutions, the ayes

and noes were demanded, by Messrs. Burton, Berry, and Holden, and taken, with the following result: ayes, 23—noes, 9:

AYES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Dent, Dickinson, Denver, Garter, Griffith, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Parks, Price, Quinn, Redman, and Titus—23.

NOES—Messrs. Allen, Ballou, Burton, Grant, Hart, Parker, Phelps, Wheeler, and Williams—9.

DECLINED—Messrs. Gregory, Pacheco, and Thom.

So the resolutions were adopted.

Mr. Griffith gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 21, 1859,

To the Senate of California:

The President of the State Agricultural Society has placed in my hands the Official Report of the Treasurer, showing the receipts and expenditures during the past year. Although this statement (which accompanies this message,) does not come from the Recording Secretary, as the law requires, it is not doubted that it will be found strictly correct.

I am informed that a full report, showing the transactions of the Society during the past year, will be ready for transmission to your Honorable body in a few days.

JOHN B. WELLER.

SACRAMENTO, Jan. 20, 1859.

To His Excellency, John B. Weller, Governor of the State of California:

DEAR SIR:—In the absence of the Financial Statement required by the charter of this Society, at the hands of its Recording Secretary, I herewith, by order of the Board, transmit a copy of the entire Treasurer's book for the year, which fully meets the requirements of the law, as to fact, and which, I hope, may be satisfactory.

The books and vouchers are at the rooms of the Society in this city, to which attention is invited.

I have the honor to be, very respectfully,
Your obedient servant,
JOHN A. PAXTON,
Treasurer of State Agricultural Society, for 1858.

John A. Paxton, as Treasurer, in Account with the State Agricultural Society,

DR.

1858.		
January 23...	To amount from P. E. Connor, ex-Treasurer.....	$1,500 00
March 29.....	To amount from P. E. Connor, ex-Treasurer.....	200 00
April 3.....	To amount from City of Marysville.....	1,500 00
May 22.....	To one Membership, sold.....	10 00
June 5.....	To one Membership, sold.....	10 00
June 7.....	To one Membership, sold.....	10 00

June 17.....	To one Membership, sold.....	10 00
June 19.....	To amount returned by Traveling Committee, being the balance on seventy-five dollars, per O. C. Wheeler.....	16 25
June 23.....	To amount received from the State, June 9th, 1858.....	5,000 00
June 23.....	To two Memberships.....	20 00
July 2.....	To one Membership	10 00
July 13.....	To one Membership.....	10 00
July 14.....	To one Membership.....	10 00
July 24.....	To two Memberships.....	20 00
July 27.....	To two Memberships.....	20 00
July 29.....	To one Membership.....	10 00
July 30.....	To one Membership.....	10 00
August 4.....	To one Membership.....	10 00
August 5.....	To two Memberships.....	20 00
August 6.....	To four Memberships.....	40 00
August 7.....	To three Memberships.....	30 00
August 9.....	To one Membership.....	10 00
August 10.....	To two Memberships.....	20 00
August 11.....	To four Memberships.....	40 00
August 13.....	To eight Memberships.....	80 00
August 14.....	To four Memberships.....	40 00
August 16.....	To six Memberships.....	60 00
August 17.....	To three Memberships.....	30 00
August 18.....	To eight Memberships.....	80 00
August 19.....	To seven Memberships, (six sold, and one per A. P. McRae.).....	70 00
August 20.....	To fourteen Memberships.....	140 00
August 21.....	To twenty-seven Memberships.....	270 00
August 23.....	To amount from Krause, for Pavilion.....	460 00
August 23.....	To one Membership.....	10 00
August 23.....	To Memberships, and Tickets sold.....	1,845 00
August 24.....	To Memberships, and Tickets sold.....	3,925 00
August 24.....	To entrance at Race-Track, (G. N. Swezy.).....	5 00
August 25.....	To Memberships, etc.....	2,340 00
August 26.....	To Memberships, etc.....	1,930 00
August 27.....	To Memberships, etc.....	2,201 00
August 27.....	To Memberships sold at Stockton.....	50 00
August 27.....	To Memberships sold at Sacramento.....	140 00
August 28.....	To Proceeds of Pavilion Ball.....	1,974 00
August 30.....	To Tickets sold.....	384 00
August 30.....	To Tickets sold, and one Membership.....	57 00
August 31.....	To Memberships, and Tickets sold.....	161 50
August 31.....	To Donation by H. G. Walton.....	10 00
September 4..	To Tickets sold.....	12 00
September 8..	To Memberships sold by Wells, Fargo & Co.....	100 00
September 8..	To second Subscription from City of Marysville.....	200 00
September 9..	To one Membership sold.....	10 00
September 10	To Membership sold.....	10 00
September 10	To Cash from Dr. Wilkins, on plate.....	1 00
September 11	To one Membership sold.....	10 00

September 11	To Cash on Plate	5 00
September 16	To Cash on Plate	2 00
September 16	To Rent of Refreshment-room, Eaton	500 00
September 18	To Cash on Plate	10 00
September 29	To Cash on Plate	2 00
October 5	To one Membership sold	10 00
November 17	To Cash on Plate	5 00
November 17	To Cash from P. E. Connor, former Treasurer	18 00
November 18	To amount on account of Membership sold	430 00
December 3..	To Cash on Plate	5 00
December 3..	To Cash from J. W. Tucker, Memberships sold	350 00
		$26,478 75
1859.		
January 3.....	To J. C. Fall, Lumber sold	320 00
January 3.....	To J. C. Fall, Lumber sold	86 00
January 3.....	To Tickets sold, O. C. Wheeler, at Sacramento	180 00
January 3.....	To J. C. Fall, on Pavilion	626 80
January 3.....	To Thos. J. Taylor, Canvas sold	96 00
		$27,787 55

John A. Paxton, as Treasurer, in Account with the State Agricultural Society,

CR.

1858.		
February 8....	By O. C. Wheeler, Office-Expenses	$50 00
February 8...	By amount for fitting up Rooms in Sacramento	330 00
April 6.....	By Rent of Secretary's Office, Marysville, April.	20 00
April 12.....	By California Express, for Printing	100 00
April 16.....	By amount for fitting up Rooms in Sacramento	118 91
April 16.....	By amount for Contingent Fund	50 00
April 23.....	By Nahl Brothers, for design for medal	20 00
April 30.....	By Warren & Co., Printing	200 00
May 5.....	By Rent of Secretary's Office, May	20 00
May 17.....	By amount for Rent of Sacramento Office, three months in advance	90 00
May 22.....	By amount for drawing up Building-Contract	10 00
May 24.....	By M. G. King, for drawing Plan of Pavilion	20 00
May 24.....	By A. S. Randall & Co., for Advertising	85 00
May 27.....	By amount for Envelopes	1 00
May 27.....	By A. Downer, for One-Cent Stamps	10 00
May 29.....	By G. W. Aubrey, on account of Contract for building Pavilion, first payment	500 00
June 8.....	By Rent of Sacramento Office, June	20 00
June 9.....	By Visiting Committee to the North	75 00
June 10.....	By amount for Traveling-Expenses	50 00
June 11.....	By Postal-Stamps for Circulars	25 00
June 15.....	By Amy, for Guard-Book for Vouchers	1 25

June 18.....	By Daily Express, for Printing Circulars.....	35 00
June 23.....	By O. Fuller, for Horse & Buggy for Visiting-Committee, Wheeler & Beach.....	60 00
June 23.....	By O. C. Wheeler, for Traveling-Expenses Visiting-Committee	50 00
June 23.....	By A. S. Randall & Co., for Printing Premiums, Lists, etc.....	30 00
June 24.....	By freight on Books from San Francisco, California Steam Navigation Company.....	1 00
June 24.....	By H. S. Crocker, for Envelopes.....	44 00
June 24.....	By G. W. Aubrey, on account of contract for Building Pavilion—second payment.....	1,000 00
July 1.....	By G. W. Aubrey, on account of contract for Building Pavilion—third payment.....	1,000 00
July 2.....	By W. P. Miller, for Plan for Pavilion.....	50 00
July 3.....	By Rent of Society's Office, M. Ville—July.....	20 00
July 3.....	By Cleaning Society's Office four months.....	8 00
July 6.....	By Warren's bill for Books for Premiums.....	105 52
July 6.....	By "Democratic State Journal," for Printing...	17 00
July 16.....	By Telegraphic Dispatch.....	1 50
July 28.....	By J. A. Paxton's order, Expenses on account of Journey to San Diego.....	200 00
July 30.....	By J. A. Paxton's order, Expenses on account of Journey to San Diego.....	150 00
August 11....	By Rent and Cleaning Society's Office, M. Ville—August.....	22 00
August 12....	By Freight on Box from Los Angeles.....	6 00
August 13....	By Printing Certificates of Membership.....	30 00
August 14....	By Lovegrove & Co., Stationery.....	23 75
August 14....	By A. S. Randall & Co., Printing.....	94 00
August 14...	By G. W. Aubrey, on account of contract for Building Pavilion—fourth payment.....	500 00
August 14....	By R. E. Wemple, for Mason's Work on Pavilion Building—Aubrey's order.....	600 00
August 14....	By G. W. Aubrey, for Work done on Pavilion...	300 00
August 14....	By Expenses of Committee to Los Angeles.....	150 00
August 14....	By Express Charges on Medals, etc.—sample case.....	1 50
August 16....	By W. P. Miller, for Superintending Building of Pavilion.....	60 00
August 16....	By Westlake, for Freight of Box	2 00
August 17....	By G. W. Aubrey, on Pavilion contract.....	1,000 00
August 17....	By G. W. Aubrey, on Pavilion contract.....	469 09
August 18....	By Express-Charges on Samples Plate—Tucker	1 50
August 18....	By J. W. Tucker, on account.....	3,200 00
August 19....	By Bromberger Bros., Silk.....	9 00
August 19....	By H. R. Covey, for Buggy-hire.....	88 00
August 19....	By Telegraph to San Francisco.....	1 50
August 20....	By J. Q. A. Warren, for Books.....	67 00
August 21....	By Evergreens	77 00
August 21....	By G. W. Aubrey, on Pavilion contract.....	230 91
August 21....	By G. W. Aubrey, on Pavilion contract—work..	350 00
August 21....	By Gum.....	50

August 23....	By amount to pay Hands employed.....	20 00
August 24....	By J. R. Lowe.....	40 00
August 24....	By Express-wagon—Hill.....	50
August 24....	By R. W. Pickersgill, for Services.....	30 00
August 25....	By money returned—Complimentary Ticket issued to Delegate from Ohio.....	5 00
August 27....	By G. B. Baker, for Hare.....	25 00
August 28....	By Sweepstakes-money refunded to parties—no race	70 00
August 30....	By F. Rich, Watching and Labor.....	55 00
August 30....	By Griffith, Oats and Hay.....	16 50
August 30....	By Reese, Membership-money returned to purchasers	10 00
August 30....	By L. Zimmerman, Music in Pavilion.....	400 00
August 30....	By Pickersgill, on account, as Aid to Marshal...	10 00
August 30....	By Truman, Watchman.....	20 00
August 30....	By Dawling, Watchman.....	25 00
August 30....	By Smith, Labor.....	12 00
August 30....	By Lennon, Labor.....	15 00
August 30....	By Lennon, Carpenter.....	7 50
August 30....	By Small, Labor.....	3 00
August 30....	By Mitchell, Cash Premium.....	20 00
August 30.....	By McCullough, Labor.....	4 00
August 30.....	By Crooks, Cash Premium.....	100 00
August 30.....	By Bowman, Cash Premium.....	100 00
August 30.....	By Lewis, Labor and Watching.....	39 00
August 30.....	By Horton, Policeman.....	40 00
August 30.....	By Miss Annie Stephens' Expenses, Lady-rider.	50 00
August 30.....	By Humphrey, Police and Labor.....	20 00
August 30.....	By Chandler, Labor.....	27 00
August 30.....	By Chandler, Policeman.....	35 00
August 31.....	By Meecham. Watching and Labor.....	80 00
August 31.....	By Bradley, Labor.....	12 00
August 31.....	By Hill, Pump-work, etc.....	45 50
August 31.....	By Fagan, Labor.....	3 00
August 31.....	By Kellogg.....	51 00
August 31.....	By Hill, Gate-keeper, etc.....	24 50
August 31.....	By Goodwin, Gate-keeper, etc.....	30 00
August 31.....	By Hause.....	22 50
August 31.....	By McDaniel, Money-taker, etc.....	55 00
August 31.....	By Laremier	51 00
August 31.....	By Walton, Services on Prizes, etc.....	50 00
August 31.....	By Cook, Policeman.....	63 00
August 31.....	By Bradley.....	51 00
August 31.....	By Walker, Wilson & Co., Dry-goods.....	437 39
August 31.....	By Bailey, Watering Streets.....	542 00
August 31.....	By Lowe, for arranging Pavilion.....	365 50
August 31.....	By Story, Labor.....	8 00
August 31.....	By Downer, Passage to Sacramento.....	5 00
August 31.....	By Downer, Services at Cattle-grounds.....	68 25
August 31.....	By Miller, Labor.....	18 00
August 31.....	By Smith, Labor.....	18 00
August 31.....	By White-washing Pavilion.....	40 00

August 31.....	By Webster, Lighting and Sweeping Pavilion...	115 50
August 31.....	By Pringle, Door-keeper at Stock-yards.....	36 00
August 31.....	By Casey, Watering Stock.....	100 00
August 31.....	By Carr, three Hares.....	25 00
August 31.....	By McDonald, Buggy-hire.....	78 50
August 31.....	By Haskins, Watchman.....	30 00
August 31.....	By Tyrell, Hauling Evergreens.....	25 00
August 31.....	By Simpkins, Hauling Evergreens.....	25 00
August 31.....	By Genella, Crockery.....	55 71
August 31.....	By Hicks & Co., Printing.....	186 50
August 31.....	By Kellogg, Labor.....	24 00
August 31.....	By Barber, Door-keeper.....	45 00
August 31.....	By Peck, Lumber.....	206 00
August 31.....	By Pacy.....	7 00
August 31.....	By Davan, Receiving-Clerk.....	44 00
August 31.....	By Barrett, Hay.....	353 66
September 2..	By Kline, watering Stock-grounds.....	87 00
September 2..	By Wright & Co., Hardware.....	22 50
September 2..	By Amy, Stationery.....	65 50
September 2..	By Mathews, Straw.....	35 00
September 2..	By Clapp, Police-labor.....	45 00
September 2..	By Gay, Watchman.....	45 00
September 3..	By Dickey, Ice.....	59 40
September 3..	By Baker, attendance at Gate, Cattle-grounds...	52 50
September 3..	By Fitzpatrick, Gate-keeper.....	44 00
September 4..	By Flint, Lamp-glasses.....	3 25
September 4..	By Rice, Coffin & Co., phials.....	5 25
September 4..	By Cohen, ribbon.....	1 12
September 4..	By Telegraphic Dispatches.....	13 80
September 4..	By Selby & Co., Water-fixtures.....	150 00
September 4..	By Eureka Engine Co., Cash Premium.....	400 00
September 4..	By McCune, Barley and Feed.....	270 85
September 4..	By McDonald, Horse-hire.....	18 00
September 4..	By Ravely, Assistant-clerk.....	24 00
September 4..	By Levitt, Clerk in Stock-yard.....	45 00
September 4..	By Rent and Cleaning Office, September.....	22 00
September 4..	By Anthony & Co., Printing.....	272 00
September 4..	By Miss Lunny, Scarfs, etc.....	13 37
September 4..	By Elder, Lamps, etc.....	11 50
September 6..	By Lawton, Clerk to Executive Committee.....	300 00
September 6..	By Lee, Watchman.....	42 50
September 6..	By Warren Engine Co., Cash-premium.....	200 00
September 6..	By Haskell, Ticket-clerk.....	52 75
September 7..	By Fall, Sundry Payments at Cattle-grounds...	383 00
September 7..	By Shirley, Cash Premium.....	75 00
September 7..	By Curtis, Cash Premium.....	20 00
September 7..	By Nightingill, Door-keeper at Race-course.....	30 00
September 8..	By Ford, Cash Premium.....	150 00
September 8..	By Mahony, Cash Premium.....	10 00
September 8..	By Landis, Cash Premium.....	15 00
September 8..	By Alta California, Advertising.....	3 50
September 8..	By Barman, Hanging Lamps.....	10 00
September 8..	By Mrs. Teagarden, Cash Premium.....	8 00

September 9..	By Caruthers, Carriage-hire	$7 00
September 9..	By Sacramento Engine Co., Cash Premium	100 00
September 9..	By Levy, Ribbon	1 00
September 9..	By Winkley, Draying Goods	37 00
September 9..	By Holloway & Poynter, Cash Premium	15 00
September 9..	By Landan, Carriage-hire	5 00
September 9..	By Fielding & Co., Carriage-hire	23 00
September 9..	By Leland, Express-wagons	4 00
September 9..	By Englander, Cash Premium	10 00
September 9..	By Hubbard, Express-wagon	18 00
September 9..	By Oaks & Co., Drayage	7 00
September 9..	By Krause, Drayage	2 00
September 9..	By Patten, Hauling	5 00
September 9..	By Sherran, Cash Premium	15 00
September 9..	By Stoddard, Express-wagon	11 50
September 9..	By McKunmon, Express-wagon	4 00
September 10	By Cass, Cash Premium	30 00
September 10	By Wells, Fargo & Co., Express Charges	5 00
September 10	By Morroson, Posting Bills	38 00
September 10	By Johnson, Drayage	4 00
September 10	By Wagner, Stationery	3 50
September 10	By Musser, Cash Premium	30 00
September 10	By Green, Cash Premium	30 00
September 10	By O'Donell, Cash Premium	60 00
September 11	By Wemple, Labor during Fair	175 00
September 11	By Kiernon, Cash Premium	50 00
September 11	By Heaton, Express-wagon	22 00
September 11	By Howard & Co., Drayage	10 50
September 11	By Randall & Co., Printing	71 00
September 11	By Ross & Welsh, Police Badges	3 75
September 11	By Howes & Cook, Labor	300 00
September 11	By Carr, Cartage	4 00
September 11	By Wickersham, Cash Premium	5 00
September 11	By Line, Cash Premium	35 00
September 11	By Dingman, Lumber	16 50
September 13	By Chandler, Cash Premium	50 00
September 13	By Watts, Paste and Brush	1 25
September 14	By King, Filling Diplomas, etc	170 25
September 14	By Abbott, Cash Premium	30 00
September 15	By Gordon, Oats	44 00
September 15	By Carroll & Stanwood, Cash Premium	35 00
September 15	By McConnell, Cash Premium	50 00
September 15	By Wheeler, on account of Salary, as Cor. Sec.	300 00
September 15	By Paxton, Traveling Expenses	80 00
September 15	By McRae, Duplicate-membership allowed	10 00
September 16	By Amy, on account, Diploma Frames	300 00
September 17	By French, Oil, etc	113 48
September 17	By Eckman & Co., Hardware	142 59
September 17	By Giddin, assisting to dig Well	5 00
September 18	By Krank, Lumber	27 50
September 18	By Mrs. E. B. Crocker, Cash Premium	4 00
September 18	By Aubrey, Labor, etc., on Pavilion	300 00
September 18	By Willey, Deen & Co., Lumber for Fair purposes	400 00

September 18	By Pickersgill, in full, as Marshal's Aid	150 00
September 18	By Hawley & Co., Hardware bill	15 75
September 20	By Hooper, Cash Premium	30 00
September 22	By Hart, Meecham & Co., Sweepstakes—no race	10 00
September 22	By Stule, Sweepstakes—no race	5 00
September 23	By Hart, Meecham & Co., Cash Premium	5 00
September 24	By Tucker, on account Plate for Prizes	500 00
September 28	By Singleterry, Cash Premium	20 00
September 28	By Singleterry, Cash Premium	40 00
October 2	By Rule, Cash Premium	15 00
October 2	By Rule, Cash Premium	20 00
October 8	By Parshly, Cash Premium	25 00
October 9	By Leary & McClenman, Printing Ticket Signs	2 00
October 13	By Jackson, Express-wagon	50
October 13	By DeBell & Co., Engraving Prizes	65 00
October 14	By Jackson, Hauling Goods	17 50
October 21	By H. G. Walton, Arranging Accounts	50 00
October 21	By M. Casserly, Cash Premium	10 00
October 22	By Treadwell & Co., Merchandise	41 00
October 22	By F. Werner, Cash Premium	75 00
October 22	By F. Werner, Cash Premium	100 00
October 25	By Hicks & Co., Printing	23 00
October 27	By G. H. Beach, Expenses on account of Soc'y	100 00
October 30	By N. Ury, Cash Premium	25 00
November 2	By J. B. McDonald, Carriage-hire	52 50
November 5	By W. A. Hancock, Cash Premium	40 00
November 5	By Britton & Rey, Blank Diplomas	150 00
November 5	By Col. N. Hall, Sacramento, Office-Rent	90 00
November 6	By Willey, Deen & Co., Lumber	300 00
November 6	By G. W. Aubrey, Labor, etc	200 00
November 10	By P. Hutchins, Cash Premium	10 00
November 10	By J. H. Kent, Cash Premium	20 00
November 11	By J. C. Davis, Cash Premium	30 00
November 12	By J. B. Childs, Cash Premium	40 00
November 12	By J. B. Childs, Cash Premium	20 00
November 12	By G. H. Howard, Cash Premium	50 00
November 12	By O. C. Wheeler, on account of Salary	50 00
November 13	By T. D. Kirk, Cash Premium	30 00
November 16	By Eckman, Tennent & Co	208 84
November 16	By E. Van Wankin, Cash Premium	20 00
November 17	By S. Peck, Board accounts	55 50
November 17	By Thomas Evans, Running Pump	47 00
November 17	By California Telegraph Company, Telegraphing	8 50
November 17	By J. Burmingham, Lumber	75 00
November 17	By J. Humphreyville, Labor	90 00
November 17	By Fielding & Co., Carriage-hire	35 00
November 17	By Wells, Fargo & Co., Freight on Coin from late Treasurer	1 00
November 18	By James Smith, Lumber	65 00
November 20	By Treadwell & Co., Damage to Truck	3 00
November 22	By W. B. Latham, Clerk	90 00
November 24	By J. W. Tucker, Gold Medals	221 00

November 24	By G. Amy, Stationery	$2 50
November 26	By Lowe Brothers, Lumber	100 00
December 3..	By J. W. Tucker, on Plate Premiums	250 00
December 3..	By McRae, Traveling Expenses	100 00
		$26,475 14
1859		
January 3.....	By J. W. Tucker, Plate bill—order of President	320 46
January 3.. ..	By G. Amy, Diplomas.	86 00
January 3.....	By Jackson, Drayage	1 00
January 3.....	By O. C. Wheeler, on account Salary	180 00
January 3.....	By O. C. Wheeler, on account Salary	590 00
January 3.....	By Rappelyea, Services as Clerk	25 00
January 3.....	By C. Bellows, bill for Pump, Lead Pipe, etc.....	36 80
January 3.....	By C. Lober, Express Wagon	21 00
January 3.....	By D. R. Clanton, Cash Premium	50 00
January 3.....	By Balance in Treasury	2 15
		$27,787 55

There is some money yet due the Society to collect, and some little to pay.

There are also one thousand dollars of Plate and Books in Treasurer's hands, for Premiums, which will be transferred to new Treasurer.

JOHN A. PAXTON,
Treasurer of State Agricultural Society, for 1858.

Having carefully examined the foregoing financial statement, in connection with the Treasurer's book, I hereby certify that this is a true copy of said book.

O. C. WHEELER,
Corresponding Secretary State Agricultural Society.

On motion of Mr. Burton, the report, with accompanying papers, was referred to the Committee on Agriculture.

Mr. Bradley offered the following resolution, which was adopted:

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant in favor of John C. Reid, Enrolling Clerk of the Senate, and W. S. Letcher, Engrossing Clerk of the Senate, for one hundred and fifty-three dollars, each, for services rendered, from January third to January nineteenth, inclusive, payable out of the Contingent Fund of the Senate.

Mr. Garter moved to reconsider the vote by which Senate bill No. 25, "An Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto," was lost on yesterday.

Pending which, Mr. Merritt moved a call of the Senate.

Which was sustained.

The roll called.

Absent—Messrs. Lansing, and Kirkpatrick.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

The question being on Mr. Garter's motion to reconsider, the ayes and noes were demanded, by Messrs. Burton, Merritt, and Berry, and taken, with the following result: ayes, 18—noes, 15:

Ayes—Messrs. Anderson, Allen, Baker, Ballou, Berry, Bradley, Burton, Dickinson, Hamm, Holden, Ketcham, McDonald, Pacheco, Parker, Phelps, Quinn, Titus, and Williams—18.

Noes—Messrs. Burch, Dent, Denver, Garter, Grant, Gregory, Griffith, Hart, Merritt, O'Farrell, Parks, Price, Redman, Thom, and Wheeler—15.

So the motion to reconsider prevailed.

Mr. Kirkpatrick appearing at the bar of the Senate, was admitted.

Question being on the final passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Baker, and Griffith, and taken, with the following result: ayes, 19—noes, 16:

Ayes—Messrs. Anderson, Allen, Baker, Ballou, Berry, Bradley, Burton, Dickinson, Hamm, Holden, Ketcham, McDonald, Merritt, Pacheco, Parker, Phelps, Quinn, Titus, and Williams—19.

Noes—Messrs. Burch, Dent, Denver, Garter, Grant, Gregory, Griffith, Hart, Kirkpatrick, Lansing, O'Farrell, Parks, Price, Redman, Thom, and Wheeler—16.

So the bill passed.

Mr. Merritt gave notice that he would, on Saturday, move for a reconsideration of the vote just taken.

Mr. Burton moved that the Secretary be now instructed to take to the Assembly the bill just passed.

Pending which, Mr. Merritt rose to a point of order: Mr. Burton's motion was not in order, as it required a suspension of the Twentieth Rule to send a bill out of the possession of the Senate, pending a motion to reconsider.

The Chair decided that the point of order of Mr. Merritt was well taken.

Mr. Dent gave notice that he would, at an early day, introduce a bill for an Act entitled "An Act to amend an Act entitled an Act to reincorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven.

Mr. Titus gave notice that he would, at an early day, introduce a bill for an Act entitled "An Act to appropriate money for the completion of the wagon-road, building over the Sierra Nevada by El Dorado and Sacramento Counties.

Mr. Griffith moved to adjourn, which was lost.

Mr. Holden moved to suspend the Twentieth Rule of the Senate, and that Senate Concurrent-Resolutions No. 11, censuring Senator Broderick for disobeying instructions, be transmitted to the House forthwith.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Grant, and Wheeler, and taken, with the following result: ayes, 10—noes, 23:

Ayes—Messrs. Anderson, Berry, Burch, Dickinson, Denver, Hamm, Holden, Lansing, McDonald, and Quinn—10.

Noes—Messrs. Allen, Ballou, Burton, Dent, Garter, Grant, Gregory,

Griffith, Hart, Ketcham, Kirkpatrick, Merritt, O'Farrell, Pacheco, Parks. Parker, Phelps, Price, Redman, Thom, Titus, Wheeler, and Williams—23,

So the motion to suspend the rule was lost.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, passed Senate bill No. 6, "An Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein," with amendments.

And also return Senate bill No. 8, an Act to amend an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two, agreeable to the request of the Senate.

C. GILMAN, Clerk.

JANUARY 21, 1859.

On motion of Mr. Burton, Senate bill No. 6, "An Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein," was taken up, and Assembly amendments concurred in.

On motion of Mr. Burton, the Secretary was instructed to have an engrossed copy of Senate bill No. 8, an Act to repeal an Act entitled "An Act to provide for the appointment of a Gauger for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two, made out, and report the same to the Assembly.

GENERAL FILE RESUMED.

Senate bill No. 44, "An Act concerning animals found trespassing," was considered in Committee of the Whole.

IN SENATE.

Bill reported back, and, on motion of Mr. O'Farrell, was laid on the table.

Mr. Garter offered the following resolution, which was adopted:

Resolved, That the Committee on Claims be authorized to employ a Clerk, to be paid out of the Contingent Fund of the Senate.

Mr. Phelps moved that the Senate do now adjourn.

Which was lost.

On motion of Mr. Burton, the Senate went into Committee of the Whole on the state of the Union.

Pending which, Mr. Burton moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Berry, and Holden, and taken, with the following result: ayes, 15—noes, 11:

AYES—Messrs. Allen, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Hamm, Holden, Ketcham, Parks, Price, and Quinn—15.

NOES—Messrs. Anderson, Gregory, Lansing, Merritt, O'Farrell, Pacheco, Parker, Thom, Titus, Wheeler, and Williams—11.

DECLINED—Mr. Griffith.

So the Senate adjourned.
Approved.

W. B. DICKINSON, President *pro tem.*
Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

SATURDAY, January 22, 1859.

Senate met, pursuant to adjournment
President *pro tem.* in the Chair.
Journals of yesterday read and approved.
Mr. Pacheco asked and obtained leave of absence for Mr. Thom, for three days.
Mr. Anderson asked and obtained leave of absence for Mr. Baker, for three days.
Mr. Merritt, pursuant to notice given on Friday, moved to reconsider the vote by which the Senate passed Senate bill No. 25, "An Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto."
Pending which, Mr. Burton rose to a point of order: It is not in order, in accordance with the Nineteenth Rule of the Senate, to make a second motion to reconsider the vote by which the bill passed.
The Chair decided the point of order well taken.
Mr. Merritt appealed from the decision of the Chair.
The question being, "Shall the Chair be sustained?" the ayes and noes were demanded, by Messrs. Merritt, Titus, and Burton, and taken, with the following result: ayes, 17—noes, 14:

AYES—Messrs. Anderson, Allen, Ballou, Berry, Burton, Denver, Hamm, Holden, Ketcham, Kirkpatrick, McDonald, Pacheco, Parker, Phelps, Quinn, Titus, and Williams—17.
NOES—Messrs. Burch, Dent, Garter, Grant, Gregory, Griffith, Hart, Lansing, Merritt, O'Farrell, Parks, Price, Redman, and Wheeler—14.

So the Chair was sustained.

REPORTS.

Mr. Titus, of the Joint Committee on Printing, made the following report:

MR. PRESIDENT:—The Joint Committee on Printing, to whom was referred the petition of H. A. Higley, Surveyor-General, for the printing of additional copies of his Report, and so much of it as contained the location of school-land warrants, for the use of his office, respectfully recommend that there be printed, for the use of the Surveyor-General, five hundred additional copies of the Report of the Surveyor-General, and one thousand copies of so much of the Report as appertains to the location of school-land warrants.

I. S. TITUS, Senate Committee.
JAMES A. JOHNSON, House Committee.

Report accepted, and placed on file.

Mr. Phelps, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—I am requested, by your Committee on Roads and Highways, to report Senate bill No. 51, an Act amendatory of "An Act entitled an Act concerning public ferries and toll-bridges," back to the Senate, and ask that the same be printed, and referred to the Committee for further consideration.

PHELPS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was recommitted Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants, have given the subject-matter therein further consideration, and report the same back, with a substitute, and recommend the adoption of the substitute.

BURCH, Chairman.

Report accepted, and placed on file.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for an Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the registration of marriages, births, divorces, and deaths, in California," passed April twenty-sixth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. O'Farrell introduced a "Joint-Resolution of Instruction to our Senators and Representatives in Congress."

Which was read first and second times, rules further suspended, considered engrossed, read a third time, and passed.

On motion of Mr. Merritt, substitute to Joint-Resolution No. 8, "relative to fraudulent Mexican land-grants," was made the special order of the day for Wednesday, January twenty-sixth, at twelve, M.

GENERAL FILE.

The report of Joint Committee on Printing was taken up, and recommitted to Committee.

Mr. O'Farrell, by leave, gave notice that he would, on Monday, January twenty-fourth, introduce a bill entitled "An Act concerning forts and light-houses, and the transferring of the eminent domain of California to the United States, in certain cases.

Senate bill No. 51, an Act amendatory of "An Act entitled an Act concerning ferries and toll-bridges, passed April twenty-second, A. D. one thousand eight hundred and fifty-five"—

On motion of Mr. Phelps, the usual number of copies was ordered printed, and bill recommitted to the Committee on Roads and Highways.

Mr. Griffith, pursuant to notice given on Friday, moved for a reconsideration of the vote by which Senate Concurrent-Resolutions No. 11,

relative to Hon. D. C. Broderick, U. S. Senator, passed the Senate on yesterday.

Pending which, on motion of Mr. Holden, the resolutions were made the special order of the day for Tuesday, January twenty-fifth, at twelve o'clock, M.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 6, "An Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of the Courts therein," and find the same correctly enrolled.

J. BERRY, Chairman.

Report accepted.

On motion of Mr. Quinn, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

MONDAY, January 24th, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Mr. Phelps asked and obtained leave of absence for Mr. Williams, for two days.

Mr. Burton asked and obtained leave of absence for Messrs. Merritt and Pacheco, for one day.

Mr. Ballou asked and obtained leave of absence for Mr. Hart, for one day.

Mr. Allen asked and obtained leave of absence for Mr. Wheeler, for one day.

Mr. McDonald asked and obtained leave of absence for Mr. Price, for one day.

Journals of yesterday read and approved.

REPORTS.

Mr. Titus, from the Joint Committee on Printing, made the following report:

MR. PRESIDENT:—The Joint Committee on Printing, to whom was recommitted the petition of H. A. Higley, Surveyor-General, recommend the adoption of the accompanying resolution.

I. S. TITUS, Senate Committee.

JAS. A. JOHNSON, House Committee.

Report accepted, and, with resolution, placed on file.

Mr. Quinn introduced a bill for an Act to amend an Act entitled "An Act relating to the Hospital affairs of Tuolumne County, passed April fourteenth, one thousand eight hundred and fifty-seven."

Which was read first and second times, and, on motion of Mr. Quinn, referred to the Tuolumne and Stanislaus Delegation.

Mr. Bradley introduced a bill for "An Act concerning the officers of Calaveras County, and the collection of poll-taxes, license-taxes, and foreign miners' license-taxes, in said County."

Which was read first and second times, and referred to the Committee on Finance.

Mr. Dent, by leave, introduced a bill for "An Act to amend an Act entitled an Act to reincorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven.

Which was read first and second times, and referred to the Committee on Corporations.

Mr. O'Farrell introduced a bill for "An Act concerning forts and light-houses, and the transferring the eminent domain of California to the United States, in certain cases."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. O'Farrell, by leave, introduced a bill for "An Act amendatory of an Act to regulate fees in office, in the City and County of San Francisco," approved April twenty-second, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the San Francisco and San Mateo delegation.

Also, by leave, a bill for "An Act to provide for the payment of Jail-keepers, in the City and County of San Francisco."

Which was read first and second times, and referred to the same delegation.

Mr. Burton gave notice that he would introduce a bill for an Act to amend an Act entitled "An Act to provide for paying certain equitable claims against the State, and to create a funded debt for that purpose," approved April twenty-eighth, one thousand eight hundred and fifty-seven.

On motion of Mr. Gregory, Senate bill No. 39, "An Act to repeal an Act for the protection of settlers, and to quiet land-titles in this State," passed March twenty-sixth, one thousand eight hundred and fifty-six, which was made the special order of the day, for Saturday, the twenty-second instant, was taken up, and made the special order of the day, for Thursday, January twenty-seventh, at twelve o'clock, M.

On motion of Mr. Burch, Senate bill No. 30, "An Act to divide the State into Congressional districts, according to Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two," which was made the special order of the day, for Monday, January twenty-fourth, was taken up, and made the special order of the day, for Wednesday, January twenty-sixth, at twelve o'clock, M.

Mr. Griffith presented a petition from Messrs. Wormser Brothers, assignees of John S. Lee, asking for an appropriation for two hundred and seventy dollars, for salary due to John S. Lee.

Mr. Griffith moved that the petition be laid on the table.

Which was lost.

On motion of Mr. Garter, the owners of the petition were allowed to withdraw the same.

Mr. Berry, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate Concurrent-Resolution No. 3, relative to the Indian War Debt, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Griffith moved that the Committee on Finance be instructed to report, on to-morrow, Assembly bill No. 29, "An Act to change the name of Walter Scott Tarbox to Walter Scott."

Which was lost.

GENERAL FILE.

The following Concurrent-Resolution was taken up, and adopted;

Resolved, By the Senate, the Assembly concurring, that the following number of copies, respectively, of the Report of the Surveyor-General, be printed, for the use of his office:

Of the complete Report	500 copies
Of that portion containing the location of School-land Warrants	1,000 copies

Mr. Allen moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Gram, Berry, and Gregory, and taken, with the following result: ayes, 14—noes, 11.

AYES—Messrs. Anderson, Allen, Ballou, Berry, Bradley, Burch, Dickinson, Denver, Grant, Kirkpatrick, Lansing, O'Farrell, Parks, and Parker—14.

NOES—Messrs. Burton, Dent, Garter, Gregory, Griffith, Hamm, Holden, McDonald, Phelps, Quinn, and Titus—11.

So the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

TUESDAY, January 25, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, on the twenty-fourth day of January, A. D. one thousand eight hundred and fifty-nine, at three o'clock, P. M., presented to his Excellency, the Governor, for his approval, Senate bill No. 6, "An Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein."

BERRY, Chairmain.

Report accepted.

Mr. Allen, Chairman of the Committee on Mileage, made the following report:

Mr. President: The Committee on Mileage beg leave to make the following report: Distance traveled by the Committee appointed to visit the Insane Asylum, in going to and returning therefrom, ninety miles.

Members entitled to mileage:

Names.	Miles.	Amount.
Hamm	90	$18 00
Price	90	18 00
Titus	90	18 00

ISAAC ALLEN, Chairman.

Report accepted, and placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—Your Committee on Public Expenditures have examined the accounts of the Secretary of the Senate, for copying done during the last twenty-two days of the session, and beg leave to present the accompany report of the number of folios copied into the Journal Book, and for the Printer, and the amount allowed for the same.

THOM, Chairman.

Report accepted and placed on file.

Mr. Grant, of the San Francisco and San Mateo delegations, made the following report:

Mr. President:—The Committee, consisting of the delegation from the counties of San Francisco and San Mateo, to whom was referred the memorial of the late Board of Examiners of the City and County of San Francisco, having had the same under consideration, ask leave to introduce the accompanying bill for the relief of Henry L. Davis, and to recommend that the same pass.

GRANT, for Committee.

Report accepted, and, with bill, placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the twenty-first of January, instant, passed Assembly bill No. 3, an Act to amend an Act entitled an Act concerning roads and highways in certain counties therein named, approved April twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 50, "An Act supplementary to the Act concerning the writ of *habeas corpus*."

C. GILMAN, Clerk.

JANUARY 24, 1859.

GENERAL FILE.

Assembly bill No. 3, "An Act entitled an Act concerning roads and highways in certain counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight, was taken up, read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 50, an Act supplementary to the Act concerning the writ of *habeas corpus*, was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 66, an Act for the relief of Henry L. Davis, was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Report of the Committee on Public Expenditures, on motion of Mr. Griffith, was adopted.

Report of the Committee on Mileage was, on motion of Mr. Allen, adopted.

INTRODUCTION OF BILLS.

Mr. Price, by leave, introduced a bill for "An Act to attach certain territory to the City of Sacramento, for school purposes."

Was read first and second times, and referred to the delegation from Sacramento.

Mr. Parker, by leave, introduced a bill for "An Act relating to the indigent sick."

Which was read first and second times, and referred to the Committee on State Hospitals.

Mr. Griffith, by leave, introduced a bill for "An Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Titus, by leave, introduced a bill for "An Act to authorize the establishment of County Infirmaries, for the relief of the indigent," and to amend an Act entitled an Act to provide for the indigent sick, in the Counties of this State, approved March thirty-first, one thousand eight hundred and fifty-five.

Which was read first and second times, and referred to the Committee on State Hospitals.

On motion of Mr. Burton, the usual number of copies of the bill was ordered printed.

Mr. Holden, by leave, introduced a bill for an Act to amend an Act entitled "An Act for the protection of actual settlers, and to quiet land-titles, in this State," approved March twenty-sixth, one thousand eight hundred and fifty-six.

Which was read first and second times, and referred to the Committee on Public Lands.

President *pro tem.* in the Chair.

On motion of Mr. Allen, the special Concurrent-Resolution censuring Hon. D. C. Broderick for disregarding instructions, was taken up.

Mr. Phelps moved to make it the special order of the day for the first Monday in May.

Mr. Anderson moved to amend by making it the special order of the day for Tuesday, the first day of February.

Which was adopted.

The question being upon the motion, as amended, it was adopted.

On motion of Mr. Thom, the Senate adjourned.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

WEDNESDAY, January 26, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Wheeler asked and obtained leave of absence for Mr. Allen, for one day.

Journals of yesterday read and approved.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the twenty-fifth day of January, A. D. one thousand eight hundred and fifty-nine, at one o'clock, P. M., presented to his Excellency, the Governor, for his approval,

Senate bill No. 22, "An Act to regulate the fees of certain officers in the County of Tuolumne."

Also, Senate bill No. 26, "An Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collecting of revenue, in the Counties of Sonoma, Mendocino, Colusa, and Sutter."

Also, Senate bill No. 28, "An Act relating to the Coroner of the City and County of San Francisco."

BERRY, Chairman.

Report accepted.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the following accounts, and recommend that they be allowed:

The account of Conner and Primm, for removing drawer-locks, and

replacing new ones, furnishing one heavy door-spring, and putting locks on book-case, to be paid out of Contingent Fund of the Senate, $10 00.

The account of Houghton & Co., for "Daily Register," furnished to five members of the Senate, for two weeks, to be paid out of Contingent Fund, $2 50.

The account of E. Geo. Moreto, for furnishing the daily Spanish newspaper, for fifteen weeks, to the Senate in one thousand eight hundred and fifty-eight, for the use of Mr. Pacheco, for the ninth session of the State Legislature, to be paid out of Contingent Fund, $7 50.

Sacramento Post-office account, to be paid out of Post-office Fund, $4 39.

C. J. LANSING, Chairman.

Report accepted, and, with accounts, placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 11, an Act to amend an Act entitled "An Act defining the time for commencing civil actions, approved April twenty-second, one thousand eight hundred and fifty," have had the same under consideration, and report the same back, with certain amendments, and recommend its passage as amended.

BURCH, Chairman.

Amended by adding to section first, the following:

"The provisions of this Act shall apply only to causes of action arising after the passage hereof. All actions or causes of actions existing at the time of the passage hereof shall be subject to the terms of limitation fixed by this Act, of which this is amendatory."

Report accepted, and, with bills, placed on file.

Also, the following report:

MR. PRESIDENT:—The Judiciary Committee to whom was referred Senate bill No. 54, "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this State," have had the same under consideration, and report the bill back, with the following amendments, and recommend its passage as amended.

First—Amend section one, line seven, by striking out the words "not exceeding fifty acres," and insert in lieu thereof, "and the right of way thereto."

Second—Strike out the word "or," in line nine.

Third—Insert after the words "range-light," line ninth, the words "fortifications, navy-yard, or other military or naval purposes."

Fourth—Strike out the words "and may be lawful for," in lines nineteen and twenty, and insert, "be the duty of."

Fifth—In line twenty-five, insert after the words "said lands lie," the words "also in one newspaper, published in the City of San Francisco, once in each week."

Sixth—Strike out the word "three," in same line, and insert "four."

Seventh—Insert, after the words "come forward," in line thirty-one, the words "on a day to be specified in said notice."

Eighth—In lines thirty-three and thirty-four, strike out the words "at

the expiration of the period provided for," and insert the words "at the time specified."

Ninth—In line thirty-five, strike out the words "and may be lawful for," and insert "be the duty of."

Tenth—In line forty-seven, strike out the word "Court," and insert "County."

Amend section second, by striking out the words "paid out by the order of said Court," and insert the words "ordered to be paid out by a Court of competent jurisdiction."

Add the following, as section third:

"Section three—It shall be the duty of the Judge directing money to be paid to a County Treasurer, in accordance with the provisions of this Act, to require of such Treasurer a bond in double the amount of money ordered to be paid to him, with two or more sufficient sureties, to be approved by said Judge. Said bonds shall be payable to the people of the State of California, for the use and benefit of such persons, severally, as are entitled to said money; said bond shall be executed, approved, and filed, with the Clerk of said Court, before receiving said money."

Amend, by adding the following, as section four:

"Section four—In addition to the publication required by this Act, if there be a newspaper printed in the Spanish language, in the Judicial District where such land is situated, said notice shall also be published in such newspaper for the length of time herein provided. In all cases of publication of notice, under this Act, the Court shall require the same proof as in cases of the publication of notice under the Civil Practice Act of this State."

Amend, by strking out the figure "three," in section three, and insert "five."

Your Committee have also had under advisement Senate bill No. 60, "An Act concerning forts and light-houses," and report the same back, and recommend that it do not pass.

Also, Senate bill No. 49, "An Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits," is herewith reported back, with the recommendation it be referred to the Committee on Manufactures.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Denver, from the Special Committee consisting of the El Dorado and Tuolumne delegations, made the following report:

Mr. President:—The Special Committee to whom was referred Senate bill No. 57, entitled "An Act fixing the salaries of District-Attorneys of certain Counties," ask leave to report the same back, recommending its passage.

W. B. DICKINSON,
I. S. TITUS,
A. St. CLAIR DENVER,
S. F. HAMM.
Of the El Dorado Delegation.
I. N. QUINN,
Of the Tuolumne Delegation.

Report accepted, and, with bill, placed on file.

Mr. Burton, by leave, introduced a bill for an Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, one thousand eight hundred and fifty-seven.

Which was read first and second times, and referred to the Committee on Finance.

Mr. Hart, by leave, introduced a bill for "An Act to amend an Act entitled an Act to authorize the issuance of duplicates for certain lost school-land warrants."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 37, an "Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, A. D. one thousand eight hundred and fifty-eight, and find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Ballou, by leave, introduced a bill for "An Act to regulate witness-fees in criminal cases."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill for "An Act for the relief of Austin E. Smith."

Which was read first and second times, and referred to the Committee on Claims.

Mr. Williams, by leave, introduced a bill for an Act to authorize the executors of the last will and testament of Thomas O. Larkin, deceased, to sell personal property of the testator at private sale.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Redman, by leave, introduced a bill for "An Act concerning agricultural societies."

Which was read first and second times, and referred to the Committee on Agriculture.

Mr. Parker, by leave, introduced a bill for "An Act to provide for the construction of a bulk-head in the Harbor of San Francisco."

Which was read first and second times, and referred to the Committee on Commerce and Navigation.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, adopted the following resolution:

Resolved, That the Senate is hereby requested to transmit to this House original Senate bill No. 8, with amendments.

Also, have appointed Messrs. Armstrong, Lightner, and Hill, Committee, on the part of the House, to investigate the accounts of S. A. McMeans, late State Treasurer.

C. GILMAN, Clerk.

JANUARY 25, 1859.

On motion of Mr. Thom, the Secretary was instructed to transmit, to the Assembly, the original Senate bill No. 8, with its amendments.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 36, "An Act making an appropriation for the transportation of prisoners to the State-prison for the tenth fiscal year;"

Also, Senate bill No. 42, an Act supplemental to the Act entitled "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 23, "An Act for the relief of David Weaver."

C. GILMAN, Clerk.

JANUARY 26, 1859.

Assembly bill No. 23, "An Act for the relief of David Weaver," was taken up, read first and second times, and referred to the Committee on Claims.

Mr. Griffith offered the following resolution, which was adopted:

Resolved, That the Assembly be requested to return to the Senate "Senate bill No. 50, an Act amendatory of an Act to change the time of holding the Courts of Los Angeles and Yolo Counties," approved April eighth, one thousand eight hundred and fifty-eight, as the same has not been properly engrossed.

NOTICES OF BILLS.

Mr. Grant gave notice that he would, on to-morrow, introduce a bill for an Act to amend an Act entitled "An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six."

President *pro tem.* in the Chair.

Mr. Redman gave notice that, at an early day, he would introduce a bill for an Act to reincorporate the City of San José.

Mr. Titus offered the following Concurrent-Resolution:

Whereas, The whole Union is interested, and will be benefited, by a complete knowledge of the mineral wealth of California, while, isolated as she is from her sister States, she has dispensed her treasure with prodigality, adding to the wealth of the nation $60,000,000 annually; *And, whereas*, the benefit of a geological survey is not confined alone to this State, but a thorough exportation of her immense mineral estate would have the effect in a few years of doubling her contributions to the money-market of the world: Therefore,

Resolved, By the Senate, the Assembly concurring, that our Senators

in Congress be instructed, and our Representatives earnestly requested, to use their influence to provide, at an early day, for a complete scientific geological survey of the mineral districts of this State, by the General Government.

Resolved, That His Excellency, the Governor, be requested to forward copies of this resolution to our Senators and Representatives.

On motion of Mr. Burton, the resolution was referred to the Committee on Mines and Mining Interests.

Mr. Griffith gave notice that, on to-morrow, he would move to amend the Standing Rules of the Senate by adding, as Rule Forty-five, the following:

Rule Forty five.—When, by order of the Senate, any Senate bill or resolution shall have been considered engrossed, and passed, it shall be the duty of the Committee on Engrossed Bills to cause the same to be correctly engrossed and reported to the Senate—the engrossed copy to be reported to the Assembly, and the original retained by the Senate.

GENERAL FILE.

The report of Mr. Lansing, Chairman of the Committee on Contingent Expenses, was taken up, and adopted.

Senate bill No. 54, "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites of light-houses, and for other purposes, on the coast and waters of this State," was considered in Commitee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill ordered to be engrossed, and read a third time.

SPECIAL ORDER OF THE DAY,

Joint-Resolution in relation to fraudulent Mexican land-grants, was taken up, and on motion of Mr. Lansing, was made the special order of the day for Saturday, January twenty-ninth, at twelve o'clock, M.

FURTHER SPECIAL ORDER.

Senate bill No. 30, an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two, was taken up, and, on motion of Mr. Anderson, made the special order of the day for Friday, January twenty-eighth, at twelve o'clock, M.

GENERAL FILE RESUMED.

On motion of Mr. Thom, Senate bill No. 49, "An act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits," was taken up, and referred to the Committee on Manufactures.

On motion of Mr. Parker, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

THURSDAY, January 27, 1859.

Senate met, pursuant to adjournment.
President *pro tem.* in the Chair.
Roll called.
Journals of yesterday read and approved.
Mr. Redman presented a petition from citizens of Santa Clara County, asking the Legislature to grant them the privilege of cutting through a piece of land which divides the Guadalupe River from the slough at the Town of Alviso, so that the water from the Guadalupe River will run into said slough.
Which was referred to the Committee on Commerce and Navigation.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 36, "An Act making an appropriation for the transportation of prisoners to the State-prison for the tenth fiscal year;"
Also, Senate bill No. 42, "An Act supplemental to the Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain powers and duties upon the Controller and Treasurer, approved April twenty-first, one thousand eight hundred and fifty-eight," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.
Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 67, "An Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee," have had the same under consideration, report the bill back, and recommend its passage.
Also, Senate bill No. 13, an Act to amend an Act entitled "An Act to regulate proceedings in civil cases," is herewith reported back; Messrs. Anderson and Burch recommend its passage—and Messrs. Garter, Gregory, and Thom, that it do not pass.
Senate bill No. 45, an Act to amend an Act entitled "An Act to authorize married women to transact business in their own names, as sole traders," passed April twelfth, one thousand eight hundred and fifty-two, has been under advisement, and your Committee report the bill back, amended, and recommend its passage, as amended.
Amend, by striking out, in the title, the words "to amend," and insert in lieu thereof, "amendatory of, and supplementary to."
Assembly bill No. 50, "An Act supplementary to the Act concerning the writ of *habeas corpus*," is reported back, amended, with the recommendation that it pass, as amended.
Amend, by striking out section three.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Phelps, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT;—Your Committee on Roads and Highways have had under consideration Assembly bill No. 3, an Act to amend an Act entitled "An Act concerning roads and highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight, and report the same back to the Senate, and recommend its passage.

PHELPS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 65, an Act to amend an Act entitled "An Act to reincorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven, have had the same under consideration, and report it back, with amendment, striking out section six, and substituting the annexed amendment in lieu thereof, and recommend the passage of the bill, when so amended.

JAMES ANDERSON, Chairman.

Report accepted, and, with bill, placed on file.

AMENDMENT.

Section six—The seventh section of article third of said Act, is hereby amended so as to read as follows:

Section seven—The Common Council shall have power, within the City, by Ordinances—

First—To assess and levy taxes on all property, real and personal, in the City, made taxable by law for State purposes, not exceeding one per centum per annum, upon the assessed value of such property, except as hereinafter specially provided, and to provide for the collection of, and the enforcement of, payment of taxes, by seizure and sale of the property. The terms "real and personal property," herein, shall have the same signification as in the general Revenue Law of the State. The assessment of taxes shall be a lien on the property assessed, from the date of the assessment, and have the force and effect of a judgment and execution.

Second—To provide for the draining, grading, improvement, and lighting of the streets, and the construction of the sidewalks, and bridges, drains, sewers, and wharves, and their repairs, and the prevention and and removal of obstructions on the sidewalks.

Third—To assess and provide for collecting a revenue tax for wharfage, and to authorize the Marshal to regulate the landing and stationing of steamers, vessels, and boats.

Fourth—To provide for the removal of obstructions to the navigation of any channel or water-course of the City.

Fifth—To provide for the prevention and extinguishment of fires, and to organize and establish fire-companies.

Sixth—To regulate or prohibit the storage of gunpowder, tar, pitch, rosin, and other extremely combustible materials in the City.

Seventh—To establish and regulate a City-police, and to keep in repair any street, avenue, and levee, which has been or may hereafter be improved, by grading, graveling, or stone pavement.

Eighth—To prevent, and remove, and abate nuisances, and at the expense of the parties causing or permitting the same.

Ninth—To remove from the immediate vicinity of the inhabited part of the City, all slaughter-houses, hay-stacks, forges, and blacksmith shops.

Tenth—To license and regulate auctioneers and taverns, hotels and billiard-tables, bowling-alleys, theatricals, and other exhibitions, shows, and amusements.

Eleventh—To license, prohibit, regulate, and suppress bar-rooms, for the retail, by sale or otherwise, of spirituous or malt liquors, drinking-houses, tippling-houses, dram-shops, hawkers, and peddlers, and pawnbrokers, and they shall have power further to suppress gaming and gambling-houses, and disorderly houses, and houses of ill-fame, and dance and fandango-houses.

Twelfth—To provide for the erection of public buildings, for the use of the City.

Thirteenth—To open, alter, and widen streets and alleys, first paying for private property taken for public use.

Fourteenth—To license, tax, and regulate drays, market-wagons, teams, and other vehicles.

Fifteenth—To borrow money and contract debts on the faith and credit of the City, but no loan shall be made or debt contracted for any sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, without the consent of the electors of the City previously obtained. And, when the Common Council desire to effect a loan, or create a debt, for a sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, they shall submit a proposition for such loan, or creation of such debt, to the electors of the City, and shall cause such proposition to be published in one or more newspapers in the City, for at least one week before taking a vote on the same.

Sixteenth—And if a majority of the persons voting, vote in favor of such proposition, the Common Council shall have authority to effect such loan, or create such debt, but not otherwise.

The City Council shall, in no case, issue any scrip or other evidence of debt, or orders on the Treasury, for larger amounts than there may be on hand to meet the demand.

Seventeenth—To prevent and restrain any riot or assemblage in any place, house, or street, of the City.

Eighteenth—To impose and approximate fines, forfeitures, and penalties, for the breach of any ordinance, but no fine shall be imposed of more than two hundred dollars, and no offender shall be imprisoned for a longer term than thirty days.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, indefinitely postponed Senate bill No. 10, "An Act to amend an Act entitled an Act to regulate proceedings in criminal cases," passed May first, one thousand eight hundred and fifty-one.

Also, Senate bill No. 14, an Act concerning certificates of purchase for land.

C. GILMAN, Clerk.

JANUARY 27, 1859.

INTRODUCTION OF BILLS.

Mr. Price, by leave, introduced a bill for "An Act for extending the time for the Sheriff of Sacramento County to collect the delinquent taxes for the year one thousand eight hundred and fifty-eight.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Phelps, pursuant to notice, introduced a bill for "An Act concerning roads and highways."

Which was read first and second times, and referred to the Committee on Roads and Highways.

On motion of Mr. O'Farrell, the usual number of copies of the bill was ordered printed.

Mr. Kirkpatrick, pursuant to notice, introduced a billl for "An Act to provide revenue for the support of the goverment of this State."

Which was read first and second times, and referred to the Committee on Finance.

On motion of Mr. Burton, four hundred and eighty copies of the bill was ordered printed.

Mr. Redman, by leave, introduced a bill for "An Act for the relief of Elisha Packwood."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. O'Farrell, by leave, introduced a bill for "An Act to allow Berthold Hoen to sell certain real estate."

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Griffith, Assembly bill No. 3, an Act to amend an Act entitled "An Act concerning roads and highways in certain Counties therein named, approved April twenty-second, one thousand eight hundred and fifty-eight, was taken from file, rules suspended, read a third time, and passed.

Mr. Griffith, pursuant to notice, offered the following amendment to the Rules and Orders of the Senate, which was adopted:

Rule Forty-Five.—When, by order of the Senate, any bill or resolution shall have been considered engrossed, and passed, it shall be the duty of the Committee on Engrossed Bills to cause the same to be correctly engrossed and reported to the Senate—the engrossed copy to be reported to the Assembly, and the original retained by the Senate.

Mr. Holden, by leave, introduced a bill for "An Act making certificates of purchase evidence of title."

Which was read first and second times, and referred to the Judiciary Committee.

SPECIAL ORDER OF THE DAY.

Senate bill No. 39, an Act to repeal an Act entitled "An Act for the protection of settlers, and to quiet land-titles in this State," passed

March twenty-sixth, one thousand eight hundred and fifty-six, was taken up.

And, on motion of Mr. Burton, the Secretary was authorized to insert an enacting clause in the bill.

On motion of Mr. Thom, the bill was made the special order of the day, for Wednesday, February second, at twelve o'clock, M.

On motion of Mr. Holden, the Secretary was authorized to insert an enacting clause in Senate bill No. 37, an Act amendatory of, and supplemental to, an Act entitled "An Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight."

GENERAL FILE.

Senate bill No. 60, "An Act concerning forts and light-houses," was taken up.

And, on motion of Mr. Merritt, the reading of the bill was dispensed with.

On motion of Mr. Griffith, the bill was laid on the table.

Senate bill No. 67, "An Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee," rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 37, an Act amendatory of, and supplemental to, an Act entitled "An Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, A. D. one thousand eight hundred and fifty-eight, was read a third time, and passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 79, "An Act for extending the time for the Sheriff of Sacramento County to collect the delinquent taxes for the year one thousand eight hundred and fifty-eight," and find the same correctly engrossed.

BAKER, Chairman.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 53, "An Act authorizing and requiring the Board of Supervisors of the County of San Mateo to levy a special tax."

Also, herewith return to the Senate, Senate bill No. 50, an Act amendatory of an Act to change the time of holding the Court of Sessions, and County Court, of the Counties of Los Angeles and Yolo, approved April eighth, one thousand eight hundred and fifty-eight, pursuant to the request of the Senate.

C. GILMAN, Clerk.

JANUARY 27, 1859.

Assembly bill No. 53, "An Act to authorize the Board of Supervisors of the County of San Mateo to levy a special tax," was taken up.

Read first and second times, and referred to the San Mateo delegation.

Senate bill No. 50, "An Act amendatory of an Act to change the time of holding the Courts of Sessions, and County Court, of the Counties of Los Angeles and Yolo," approved April eighth, one thousand eight hundred and fifty-eight—

On motion of Mr. Griffith, the Secretary was instructed to return to the Assembly, corrected, engrossed copy of the bill.

Senate bill No. 11, an Act to amend an Act entitled "An Act defining the time for commencing civil actions," approved April twenty-second, one thousand eight hundred and fifty, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments of Committee concurred in.

Mr. Griffith offered the following as a substitute, which was adopted:

An Act supplemental to an Act entitled "An Act defining the time of commencing civil actions," passed April twenty-second, one thousand eight hundred and fifty.

On motion of Mr. Burch, the rules were suspended, bill considered engrossed, read a third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 27, 1859.

To the Assembly of California:

I have to inform your honorable body that I this day approved an Act entitled "An Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein."

This bill, as I learn by the Journal, received the sanction of the Senators and Representatives of the counties lying within the Judicial Districts. Although I may entertain doubts as to the necessity of organiz two additional Districts, still I am not disposed, upon a mere question of expediency, (concerning which I have no personal knowledge,) to set up these doubts against the expressed opinions of the immediate representatives of the people.

Some difficulty may arise in paying the salaries of these Judges, in consequence of the omission of the word "each," in the sixth section. It reads as follows: "The District Judges of the Sixteenth and Seventeenth District shall receive the sum of five thousand dollars per annum, payable in the same manner as the salaries of other District Judges of this State."

A strict construction of the section would divide the salary of five thousand dollars between them. This, however, can be obviated when the general appropriation bill, in which provision is made for the salaries of Judges in the respective Districts, is passed.

JOHN B. WELLER.

Senate bill No. 65, an Act to amend an Act entitled "An Act to reincorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of the Committee concurred in, rules further suspended, bill ordered engrossed, and read a third time.

Senate bill No. 13, an Act to amend "An Act to regulate proceedings in civil cases," passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of the Committee concurred in.

Mr. Baker moved that it be made the special order of the day for Friday, February fourth, which was lost.

On motion of Mr. Burton, the rules were further suspended, and bill ordered engrossed, and read a third time.

On motion of Mr. Burton, the bill was made the special order of the day for Friday, February fourth, at one o'clock, P. M.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly have, this day passed, Assembly Concurrent-Resolution No. 15, relative to the affairs of State Insane Asylum, and have appointed, as a Committee, on the part of the House, Messrs. DeLong, Moore of Nevada, and Burdick.

C. GILMAN, Clerk.

JANUARY 27, 1859.

Assembly Concurrent-Resolution No, 15, relative to appointing a Special Committee to visit the State Insane Asylum, was taken up.

Mr. Anderson moved to refer the resolution to the Committee on State Hospitals, which was lost.

On motion of Mr. Thom, the resolution was laid on the table.

GENERAL FILE RESUMED.

Senate bill No. 45, an Act to amend an Act entitled "An Act to authorize married women to transact business in their own names, as sole traders," passed April twelfth, one thousand eight hundred and fifty-two, was taken up.

Mr. Burch moved to make it the special order of the day for Friday, January twenty-eighth, at half-past twelve o'clock, P. M.

Which was adopted.

Assembly bill No. 50, an Act supplementary to the Act concerning the writ of *habeas corpus*, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules sussrspended, bill read a third time, and passed.

Mr. Griffith, by leave, introduced a bill for an Act supplemental to an Act entitled "An Act concerning estray animals, passed April nineteenth, one thousand eight hundred and fifty-six.

Which was read first and second times, and referred to the Committee on Agriculture.

Mr. Thom, by leave, introduced the following Concurrent-Resolution:

Whereas, There are certain rumors having reference to the improper treatment of patients in the Insane Asylum, at Stockton:

Now, therefore, be it resolved, By the Senate, the Assembly concurring, that the Standing Committee on State Hospitals of the Senate and Assembly be required to examine into the truth or falsity of said rumors, and report the facts in the case to the Senate and Assembly, respectively.

On motion of Mr. Anderson, the resolution was laid on the table.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 67, an Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee, and find the same correctly engrossed.

BAKER, Chairman.

On motion of Mr. Berry, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

FRIDAY, January 28, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Price, Chairman of the Committee on Manufactures, made the following report:

MR. PRESIDENT:—The Committee on Manufactures have had under consideration Senate bill No. 49, "An Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits," and herewith report the same back, with amendments, and recommend the passage of the same, when so amended.

PRICE, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant, from the San Francisco and San Mateo delegations, made the following report:

MR. PRESIDENT:—The delegation from the Counties of San Francisco and San Mateo, to whom was referred Assembly bill No. 53, "An Act to

authorize and require the Board of Supervisors of the County of San Mateo to levy a special tax, have had the same under consideration, and report the same back, with amendments, and recommend its passage, as amended.

Amend line second, by striking out "San Joaquin," and inserting "San Mateo."

In twelfth line, strike out "payment," and insert "paying."

GILBERT A. GRANT, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Quinn, of the Tuolumne delegation, made the following report:

Mr. President:—The delegation, to whom was referred Assembly bill No, 14, an Act to repeal an Act entitled "An Act concerning roads and highways in and for the Counties of Tuolumne and Alameda," passed April twenty-sixth, one thousand eight hundred and fifty-eight, so far as the same relates to the County of Tuolumne, report the same back to the Senate, without amendment, and recommend its passage.

Also, Assembly bill No. 8, "An Act to fix the terms of the Probate Court in and for the County of Tuolumne," and recommend its passage, without amendment.

I. N. QUINN.

Report accepted, and, with bill, placed on file.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, passed Senate bill No. 48, "An Act for the relief of Moses Scott, Jr."

Also, Assembly bill No. 32, "An Act to authorize the Board of Supervisors of Trinity County to levy a special tax, and create a redemption fund, for the payment of County indebtedness."

Also, Assembly bill No. 46, "An Act for the relief of the County Treasurer of the County of San Joaquin."

Also, Assembly bill No. 51, an Act to amend "An Act concerning the office of County Judge of San Joaquin County."

C. GILMAN, Clerk.

January 28, 1859.

Assembly bill No. 32, "An Act to authorize the Board of Supervisors of Trinity County to levy a special tax, and create a redemption fund, for the payment of County indebtedness," was taken up, read first and second times, and referred to the delegation from Trinity.

Assembly bill No. 46, "An Act for the relief of the County Treasurer of the County of San Joaquin," was read first and second times, and referred to the delegation from San Joaquin.

Assembly bill No. 51, an Act to amend "An Act concerning the office of County Judge of San Joaquin County," was read first and second times, and referred to the delegation from San Joaquin.

INTRODUCTION OF BILLS.

Mr. Grant, by leave, introduced a bill for an Act to amend "An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six."

Which was read first and second times, and referred to the San Francisco delegation.

Mr. Bradley, by leave, introduced a bill for "An Act concerning official bonds of County officers in the County of Calaveras."

Which was read first and second times, and, on motion of Mr. Garter, amended by striking out all after the word "law," of section first, fifth line.

Rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Williams, by leave, introduced a bill for an Act to amend an Act (passed February seventeenth, one thousand eight hundred and fifty-five,) entitled "An Act to amend an Act concerning the Courts of Justice of this State, and Judicial officers," passed May nineteenth, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

Mr. Titus offered the following Concurrent-Resolution, which was read, and referred to the Committee on Federal Relations:

CONCURRENT-RESOLUTION RELATIVE TO THE BOUNDARY-LINE BETWEEN CALIFORNIA AND UTAH.

Whereas, The valleys on the Eastern slope of the Sierra Nevada are rapidly filling up with *bona fide* settlers, while an early organization of a Territorial Government in Carson Valley is contemplated, and in view of that fact it is of the utmost importance to the Eastern line of the Counties, that the boundary-line between California and Utah be speedily established; *And, whereas*, no action has been ascertained in regard to Concurrent-Resolution No. 21, "relative to boundary-line between the State of California and Territory of Utah," passed April twelfth, one thousand eight hundred and fifty-eight, or of Assembly Joint-Resolution No. 14, "In relation to the survey of the Eastern boundary of the State of California," passed April twenty-seventh, one thousand eight hundred and fifty-seven: Therefore,

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives earnestly requested, to communicate with the President of the United States, setting forth these facts, and requesting that an officer be appointed to act in conjunction with the Executive of this State, in the appointing of Commissioners to ascertain and definitely locate said boundary-line—such line to conform to that established by the Constitution of the State of California.

Resolved, That His Excellency, the Governor, be requested to forward copies of this resolution to our Senators and Representatives, and to the President of the United States.

Mr. Burton gave notice that he would introduce, at an early day, a bill for "An Act to provide for the payment of the outstanding unfunded indebtedness of this State."

GENERAL FILE.

Senate bill No. 49, "An Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

Assembly bill No. 53, "An Act to authorize and require the Board of Supervisors of the county of San Mateo to levy a special tax," was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, read a third time, and passed.

Assembly bill No. 14, an Act to repeal "An Act concerning roads and highways, in and for the counties of Tuolumne and Alameda, passed April twenty-sixth, one thousand eight hundred and fifty eight, so far as the same relates to the county of Tuolumne," was considered in Committee of the Whole.

IN SENATE.

Reported back, read a third time, and passed.

Assembly bill No. 8, "An Act to fix the Terms of the Probate Court, in and for the county of Tuolumne," was considered in Committee of the Whole.

IN SENATE.

Reported back, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 30, "An Act to divide the State into Congressional Districts, according to an Act of Congress, approved April twenty-fifth, one thousand eight hundred and forty-two," was taken up.

Mr. Griffith moved to indefinitely postpone the bill, upon which, the ayes and noes were demanded, by Messrs. Griffith, Merritt, and Burch, and taken, with the following result: ayes, 16—noes, 18:

AYES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Dent, Denver, Griffith, Hart, Hamm, Holden, Ketcham, Merritt, Price, Quinn, and Redman—16.

NOES—Messrs. Anderson, Baker, Burton, Dickinson, Garter, Grant, Gregory, Kirkpatrick, Lansing, McDonald, O'Farrell, Pacheco, Parks, Parker, Thom, Titus, Wheeler, and Williams—18.

So the motion to indefinitely postpone was lost.

The question being, "Shall the bill be ordered engrossed, and read a third time?" the ayes and noes were demanded, by Messrs. Thom, Pacheco, and Merritt, and taken, with the following result: ayes, 19—noes, 15:

AYES—Messrs. Anderson, Baker, Burton, Dickinson, Denver, Garter, Grant, Gregory, Kirkpatrick, Lansing, McDonald, O'Farrell, Pacheco, Parks, Parker, Thom, Titus, Wheeler, and Williams—19.

NOES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Dent, Griffith, Hart, Hamm, Holden, Ketcham, Merritt, Price, Quinn, and Redman—15.

So the bill was ordered engrossed, and read a third time.

Senate bill No. 45, an Act to amend "An Act to authorize married women to transact business in their own names, as sole traders," passed April twelfth, one thousand eight hundred and fifty-two, was considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Parker, was recommitted to a Special Committee of five.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 48, "An Act for the relief of Moses Scott, Jr., and find the same correctly enrolled.

J. BERRY, Chairman.

Report accepted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed bills have examined Senate bill No. 88, "An Act concerning bonds of County officers, in the county of Calaveras," and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

The President here announced the Special Committee to whom was referred Senate bill No. 45: Messrs. Griffith, Kirkpatrick, Lansing, Berry, and Wheeler.

On motion of Mr. Parker, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

SATURDAY, January 29, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Parker asked and obtained leave of absence for Mr. Phelps, for three days, from January twenty-eighth, instant.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 82, "An Act making certificates of purchase evidence of

title," have had the same under consideration, report the bill back, and recommend its passage.

Also, Senate bill No. 75, "An Act to regulate witness-fees in criminal cases," report the same back, with the recommendation that it be indefinitely postponed.

Senate bill No. 81, "An Act for the relief of Elisha Packwood," is herewith reported back, amended, and recommend that it pass as amended.

Amend section first, line eighteen, by striking out all after the words "shall execute," to end of section, and insert as follows: "To the State of California, a good and sufficient bond in the sum of two thousand dollars, with two or more sufficient sureties, who shall severally justify as sureties to bonds under the Civil Practice Act of this State, which said bond shall be conditioned that said Packwood shall indemnify the State for all damages, or injury sustained, by reason of the issuing the duplicate land warrants herein provided for, as also against the return of said original land warrants.

Your Committee have also had under advisement, Senate bill No. 33, "An Act to repeal an Act entitled an Act to authorize married women to transact business in their own names as sole traders," passed April twelfth, one thousand eight hundred and fifty. Messrs. Thom, Gregory, and Garter, recommend that it do not pass, and Messrs. Burch and Merritt, that it pass as amended.

Amend, by adding the following to section first:

Nothing in this Act shall be so construed as to prevent or interfere with the transaction of business, as a sole trader, by any married woman acquiring the right so to transact business under the Act hereby repealed."

Senate bill No. 2, an Act amendatory of, and supplementary to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight, we report the same back and recommend it be indefinitely postponed.

Senate bill No. 56, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, is herewith reported back, amended, and recommend its passage as amended.

Amend, by striking out the whole of section first, and renumbering section second as section first.

In section second, line first, after the word "is," insert the word "hereby."

Strike out sections third, fourth, and fifth.

Make section sixth read as section second.

Make section seventh read as section third, and amend the same in line thirty-first: after the word "purchaser," insert the words, "or his assignee."

In line thirty-seventh, after the word "redemptioner," insert "or his assignee."

Make section eighth read as section fourth.

Senate bill No. 19, "An Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one," has been under consid-

eration, and is hereby reported back, with the recommendation that it do not pass.

Senate bill No. 35, "An Act to authorize persons to change their names in certain cases, and to prohibit application to the Legislature therefor," is reported back, with a substitute, with the recommendation that the substitute be adopted.

BURCH, Chairman.

Mr. Kirkpatrick, Chairman of the Committee on Federal Relations, made the following report:

Mr. President:—Your Committee on Federal Relations, to whom was referred Senate Concurrent-Resolution No. 16, relative to the boundary-line between the State of California and the Territory of Utah, have considered the same, and report it back, recommending its passage, with the following amendments:

Strike out the word "while," in the third line of the preamble, and insert the word "and," instead thereof.

In the fifth line of the preamble, strike out the words, "and in view of the fact."

In the sixth line of the preamble, strike out the word "line," and insert the word "tier."

KIRKPATRICK, Chairman.

Report accepted, and, with resolution, placed on file.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

Mr. President:—Your Committee on Claims, to whom was referred Assembly bill No. 23, "An Act for the relief of David Weaver," have directed me to report the same back, and recommend that it do not pass, for the reason that the claim has not been before the Board of Examiners, as the law directs.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, on the twenty-eighth day of January, A. D. one thousand eight hundred and fifty-nine, at two o'clock, P. M., presented to His Excellency, the Governor, for his approval,

Senate bill No. 36, "An Act making an appropriation for the transportation of prisoners to the State-prison, for the tenth fiscal year."

Also, Senate bill No. 42, "An Act supplemental to the Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight.

Also, Senate bill No. 48, "An Act for the relief of Moses Scott, Jr."

BERRY, Chairman.

Report accepted.

Mr. Dent, from the San Joaquin delegation, made the following report:

Mr. President:—The delegation from San Joaquin, to whom was re-

ferred Assembly bill No. 51, "An Act to amend an Act concerning the office of County Judge of San Joaquin County," have had the same under consideration, report the same back, and recommend its passage.

G. W. DENT, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, by leave, introduced a bill for an Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes, in the County of Siskiyou," approved April twelfth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and placed on file.

Mr. Burch, offered the following resolution:

Resolved, That T. S. Dorsey, Clerk to the Sergeant-at-Arms of the Senate, be allowed the sum of eight dollars per day, from and after the commencement of this session, for the discharge of the duties of his position, and that said per diem be paid out of the Contingent Fund of the Senate.

The question being upon the adoption of the resolution, the ayes and noes were demanded, by Messrs. Burch, Merritt, and Hamm, and taken, with the following result: ayes, 23—noes, 10:

AYES—Messrs. Anderson, Berry, Burch, Dent, Dickinson, Denver, Garter, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Merritt, O'Farrell, Parks, Parker, Price, Quinn, Thom, Titus, and Wheeler—23.

NOES—Messrs. Allen, Baker, Ballou, Bradley, Burton, Gregory, Kirkpatrick, McDonald, Pacheco, and Redman—10.

So the resolution was adopted.

Mr. Thom gave notice that he would, on Monday, January thirty-first, move for a reconsideration of the vote just taken.

Mr. Gregory offered the following resolution, which was adopted:

Resolved, That a Committee of five be appointed, by the President of the Senate, for the purpose of reporting, by bill or otherwise, for securing to Towns, in this State, the benefits of an Act of Congress of May twenty-third, one thousand eight hundred and forty-four, entitled "An Act for the relief of the citizens of Towns, upon the lands of the United States, under certain circumstances," and made applicable to this State by Act of Congress, March third, one thousand eight hundred and fifty-three, entitled "An Act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes;" and also to report, by bill or otherwise, for the purpose of disposing of said lands to the occupants thereof.

Mr. Burton gave notice that he would introduce a bill for "An Act to legalize bills of sale in the transfer of mining-claims.

On motion of Mr. Griffith, Senate bill No. 2, an Act amendatory of, and supplemental to, an Act entitled "An Act to regulate proceedings in civil cases in the Counties of this State," passed April twenty ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-

eight, was taken from file, and made the special order of the day for Thursday, February third, at twelve, M.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No, 88, "An Act concerning official bonds of County Treasurers in the County of Calaveras," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 79, "An Act extending the time for the Sheriff of Sacramento County to collect the delinquent taxes for the year one thousand eight hundred and fifty-eight;"

Also, Senate bill No. 88, an Act concerning official bonds of County officers in the County of Calaveras;

Also, adopted Senate Concurrent-Resolution No. 10, relative to printing one thousand copies of the Governor's Message in the German language;

Also, Senate Concurrent-Resolution No. 13, relative to printing the Report, and certain portions of the Report, of the Surveyor-General;

Also, Assembly Concurrent-Resolution No. 16, relative to that portion of the Governor's Message relating to the Washington Monument, and have appointed Messrs. Lull, Coleman, and Malarin, Committee on the part of the House.

C. GILMAN, Clerk.

JANUARY 29, 1859.

Assembly Concurrent-Resolution No. 16, relative to that portion of the Governor's Message relating to the Washington Monument, was taken up, and adopted.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 29, 1859.

To the Senate of California:

I hereby inform your honorable body that I have, this day, approved an Act making an appropriation for the transportation of prisoners to the State-prison, for the tenth fiscal year.

Also, "An Act supplemental to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, one thousand eight hundred and fifty-eight."

Also, approved "An Act for the relief of Moses Scott, Jr."

JOHN B. WELLER.

Mr. Burton, by leave, introduced a bill for "An Act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State."

Which was read first and second times, and referred to the Committee on Finance.

GENERAL FILE.

Senate bill No. 82, "An Act making certificates of purchase evidence of title," was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

The President here announced the following Special Committees:

Committee on Washington Monument—Messrs. Kirkpatrick and Thom.

Committee on Resolutions introduced by Mr. Gregory, to report a bill relative to lands appropriated by Congress for the relief of citizens of Towns—Messrs. Gregory, Holden, Pacheco, Lansing, and Berry.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the twenty-sixth of January, instant, passed Assembly bill No. 48, "An Act to enable poor persons to prosecute and defend suits."

Also, on this day, passed Assembly bill No. 81, "An Act to extend the time for collecting taxes in the County of Contra Costa."

C. GILMAN, Clerk.

JANUARY 29, 1859.

Assembly bill No. 48, "An Act to enable poor persons to prosecute and defend suits," was taken up, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 81, "An Act to extend the time for collecting taxes in the County of Contra Costa, was read first and second times, and, on motion of Mr. Burch, the rules were suspended, bill read a third time, and passed.

Senate bill No. 75, "An Act to regulate witness-fees in criminal cases," was taken up.

Pending the consideration, the hour arrived for the special order of the day.

SPECIAL ORDER OF THE DAY.

Mr. Burton in the Chair.

Substitute for Senate Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants, was taken up.

The question being upon the adoption of the substitute, the ayes and noes were demanded, by Messrs. Merritt, Grant, and Pacheco, and taken, with the following result: ayes, 23—noes, 9:

AYES—Messrs. Anderson, Ballou, Bradley, Burch, Dent, Denver, Garter, Gregory, Griffith, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, Merritt, O'Farrell, Pacheco, Price, Quinn, Redman, Thom, Titus, and Williams—23.

NOES—Messrs. Allen, Baker, Berry, Burton, Dickinson, Grant, McDonald, Parks, and Wheeler—9.

So the substitute was adopted.

President *pro tem.* in the Chair.

Mr. Williams offered the following amendment:

Insert, after the words "no patent shall be issued," the words "or in which the patent shall have been set aside."

Upon which, the ayes and noes were demanded, by Messrs. Griffith, Merritt, and Pacheco, and taken, with the following result: ayes, 20—noes, 9:

AYES—Messrs. Anderson, Allen, Berry, Bradley, Burch, Burton, Dent, Garter, Grant, Gregory, Kirkpatrick, O'Farrell, Pacheco, Parks, Quinn, Redman, Thom, Titus, Wheeler, and Williams—20.

NOES—Messrs. Baker, Denver, Griffith, Hamm, Holden, Lansing, McDonald, Merritt, and Price—9.

So the amendment was adopted.

On motion of Mr. Anderson, the following additional amendment was adopted:

Insert after the word "incumbrances," in the last line, the words "in all cases in which such purchase or incumbrance is from the United States Government."

Mr. Merritt moved to amend, by striking out the words, "in which no patent shall be issued, or in which the patent has been set aside."

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Gregory, and Grant, and taken, with the following result: ayes, 8—noes, 24:

AYES—Messrs. Denver, Griffith, Hamm, Holden, Lansing, McDonald, Merritt, and Price—8.

NOES—Messrs. Anderson, Allen, Baker, Ballou, Berry, Bradley, Burch, Burton, Dent, Dickinson, Garter, Grant, Gregory, Ketcham, Kirkpatrick, O'Farrell, Pacheco, Parks, Quinn, Redman, Thom, Titus, Wheeler, and Williams—24.

So the motion was lost.

Rules suspended, the resolution considered engrossed, and read a third time.

The question being upon the passage of the resolution, the ayes and noes were demanded, by Messrs. Merritt, Grant, and Gregory, and taken, with the following result: ayes, 20—noes, 9:

AYES—Messrs. Anderson, Allen, Berry, Bradley, Burch, Burton, Dent, Garter, Grant, Gregory, Kirkpatrick, O'Farrell, Pacheco, Parks, Quinn, Redman, Thom, Titus, Wheeler, and Williams—20.

NOES.—Messrs. Baker, Denver, Griffith, Hamm, Holden, Lansing, McDonald, Merritt, and Price—9.

So the resolution was passed.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 79, "An Act for extending the time for the Sheriff of Sacramento County to collect the delinquent taxes for the year one thousand eight hundred and fifty-eight," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Also, the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the twenty-

ninth day of January, A. D. one thousand eight hundred and fifty-nine, at one o'clock and thirty minutes, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 79, "An Act for extending the time for the Sheriff of Sacramento County to collect the delinquent taxes for the year one thousand eight hundred and fifty-eight."

Also, Senate bill No. 88, "An Act concerning official bonds of County officers, in the County of Calaveras."

BERRY, Chairman.

Report accepted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 29th, 1859.

To the Senate of California:

I have this day, approved an Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of revenue, in the Counties of Sonoma, Mendocino, Colusa, and Sutter.

JOHN B. WELLER.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: J. T. PENNINGTON, Assistant Secretary.

IN SENATE.

MONDAY, January 31, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Mr. Williams asked and obtained leave of absence for Mr. Parker, for one day.

Journals of Saturday read and approved.

Mr. Grant presented a petition from Geo. N. Blake, and John C. Gulick, asking the Legislature to pass a law, allowing them certain claims against the State.

Which was referred to the Committee on Claims.

Mr. Berry presented a petition from P. Steele, asking the Legislature to memorialize Congress to pass a law, granting the waste lands in the mining Counties, to the State.

Mr. Merritt moved to refer the petition to the Committee on Internal Improvements.

Which was lost.

Mr. Anderson moved to refer the petition to the Committee on Mining Interests.

Which was adopted.

Mr. Hamm, Chairman of the Committee on State Hospitals, made the following report, which was adopted:

The Joint Committee of the Senate and Assembly on State Hospitals, having visited the State Asylum, at Stockton, in discharge of the duties assigned them, and, after a thorough inspection of said institution, with minute inquiry into its financial affairs, respectfully submit the following report:

We find that the duties of the officers, from the Superintendent and Visiting-Physicician, to all the attachés of the Asylum, have been performed in an efficient and faithful manner. Their system of treatment, so far as could be ascertained, is such as would inevitably conduce to the hygienic improvement of the patients, while the respective wards and apartments of the establishment are kept with the most scrupulous regard to the comfort and sanitary condition of their unfortunate inmates.

Your Committee are unanimous in the opinion that the general received ideas of modern treatment of the insane, as adopted and successfully carried out by the Resident-Physician and his entire corps of subordinates, would be difficult to improve upon.

The result of the treatment, as shown by the statistics of the Asylum, has been eminently successful, and will compare favorably with the older institutions of a similar kind in the Eastern States.

The books and accounts indicate an economical and efficient performance of the business of the Asylum, comprehending full and fair accounts and records of the entire business operations of the institution; while the books were found correctly kept, neat, concise, and readily understood—reflecting much credit upon the parties having them in charge.

In fine, your Committee are constrained to admit, from the examination of the Asylum and inmates, and all that appertained to them, that all the legal requirements connected with the same are faithfully carried out.

We could not well close this report without commending the Trustees and Superintendent, for the improvements made at the Asylum during the past year. It seems to have been the care and study of their efficient Architect to combine utility and taste, and of the contractors to carry out his designs, to the fullest extent; whilst the general appearance of the Asylum and grounds, with the improvements, afford mute testimony to the complete success of all who were concerned therein.

For a minute record of the improvements and changes that have been made at the Asylum the past year, we would respectfully refer your honorable body to the reports of the Trustees and Resident-Physician, all of which will be found truly laid before you in their reports.

We deem it absolutely necessary, for the safe-keeping and comfort of the violently insane or "raving maniacs," when in close confinement, that some of the cells in the mad-houses should be fitted up with the modern improvements, so as not to injure themselves or those in attendence. For this purpose, we would earnestly recommend a small appropriation. With this exception, it is with much gratification we announce that no further appropriation for improvements is necessary for the present year. With the view of carrying out the recommendation of this report, and of amending the present Act relative to the insane, we will, at an early day, introduce a bill, and recommend it to your favorable consideration.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 30, "An Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two;"

Also, Senate bill No. 49, "An Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits;

Also Senate bill No. 13, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, one thousand eight hundred and fifty-one;"

Also, substitute for Senate bill No. 11, "An Act supplemental to an Act entitled an Act defining the time of commencing civil actions," passed April twenty-second, one thousand eight hundred and fifty;

Also, Senate bill No. 82, "An Act making certificates of purchase evidence of title;"

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on January 29th, passed Assembly bill No. 47, "An Act to reduce the salary of the County Judge of Sutter county;"

Also, Senate bill No. 52, "An Act amendatory of an Act to fix the time for holding the Terms of the District Court throughout this State, passed May eighteenth, one thousand eight hundred and fifty-three;"

Also, Senate bill No. 66, "An Act for the relief of Henry L. Davis;"

Also, Senate bill No. 67, "An Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee;"

And, also, Senate bill No. 74, "An Act to authorize the executors of the estate of Thomas O. Larkin, deceased, to sell personal property at private sale."

C. GILMAN, Clerk.

JANUARY 31st, 1859.

Assembly bill No. 47, "An Act to reduce the salary of the County Judge of Sutter county," was taken up, read first and second times, and referred to the delegation from Yuba and Sutter.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on the twenty-eighth of January, instant, adopted Assembly Concurrent-Resolution relative to pay for translation of Governor's Message into German, and have appointed Mr. Street, Committee on the part of the House.

C. GILMAN, Clerk.

JANUARY 31, 1859.

Assembly Concurrent-Resolution No. 17, relative to pay for translation of Governor's Message into German, was taken up, and adopted.

Mr. Burch, by leave, made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Assembly bill No. 32, entitled "An Act to authorize the Board of Supervisors of Trinity county to levy a special tax, and create a Redemption Fund, for the payment of county indebtedness," have had the same under consideration, and report it back, recommending that it pass.

BURCH, Twenty-first Senatorial District.

Report accepted, and, with bill, placed on file.

Mr. Burton, by leave, introduced a bill for "An Act to provide for the conveyance of mining-claims."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Price, by leave, introduced a bill for an Act submitting to the people of the City and County of Sacramento, a proposition to appropriate money for the purchase and construction of suitable grounds and buildings, for the use of the State Agricultural Society, in the City of Sacramento.

Which was read first and second times, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Thom, by leave, introduced a bill for "An Act for the formation of a corporation for the erection of a Public Market, in the City of Los Angeles."

Which was read first and second times, and referred to the Committee on Corporations.

Mr. Burton offered the following resolution, which was adopted:

Resolved, That the State officers be requested to furnish the Senate with an estimate of the contingent expenses of their offices for the eleventh fiscal year.

Mr. Pacheco offered the following Concurrent-Resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that a Committee of three, from each House, be appointed to select proposals for the translation of the Laws, to be translated in Spanish, during the present session.

Mr. Burton gave notice that he would introduce a bill for "An Act making appropriations for the civil expenses of the Government of this State, for the eleventh fiscal year."

Mr. Thom, pursuant to notice given on Saturday, moved to reconsider the vote by which the Senate, on Saturday, passed a resolution allowing the Sergeant-at-Arms a Clerk.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Thom, and Brady, and taken, with the following result: ayes, 10—noes, 16:

AYES—Messrs. Baker, Bradley, Burton, Gregory, McDonald, Pacheco, Parks, Redman, Thom, and Wheeler—10.

NOES—Messrs. Anderson, Berry, Burch, Dent, Dickinson, Denver, Garter, Griffith, Hamm, Kirkpatrick, Lansing, Merritt, O'Farrell, Price, Quinn and Titus—16.

So the motion to reconsider was lost.

The following message was received from the Governor:

OFFICE OF THE BOARD OF EXAMINERS,
Sacramento, January 31st, 1859.

To the Senate of California:

I transmit, to your honorable body, a list of claims which have been passed upon by the Board of Examiners, together with the proof in each case.

JOHN B. WELLER,
Governor and President of the Board.

On motion of Mr. Burton, the message, with accompanying documents, were referred to the Committee on Claims.

The President here announced as a Committee, on part of the Senate, for translating the Governor's Message into German, Mr. Merritt.

Mr. Berry, Chairman of the Committee on Enrolled bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 67, "An Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly have, this day, adopted Assembly Concurrent-Resolution No. 18, relative to the equalization of postage.

C. GILMAN, Clerk.

JANUARY 31, 1859.

Mr. Burton in the Chair.

Assembly Concurrent-Resolution No. 18, "relative to the equalization of postage," was taken up, and concurred in.

GENERAL FILE.

Senate bill No. 75, "An Act to regulate witnesses-fees in criminal cases," was taken up, and indefinitely postponed.

Senate bill No. 81, "An Act for the relief of Elisha Packwood," was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 33, an Act to repeal an Act entitled "An Act to authorize married women to transact business in their own names, as sole

traders," passed April twelfth, one thousand eight hundred and fifty-two, was taken up.

Mr. Gregory moved to lay the bill on the table.

Which was lost.

On motion of Mr. Griffith, the bill was referred to the Special Committee, to whom Senate bill No 45, "An Act to authorize married women to transact business in their own names, as sole traders," was referred, on Friday, January twenty-eighth, instant.

Substitute for Senate bill No. 35, "An Act to authorize and permit names to be changed," was considered in Committee of the Whole.

IN SENATE.

Reported back, adopted, and recommitted to a Special Committee, consisting of Messrs. Kirkpatrick, Berry, and Allen.

Mr. Anderson moved that the Senate do now adjourn, upon which, the ayes and noes were demanded, by Messrs. Gregory, Berry, and Price, and taken, with the following result: ayes, 13—noes, 14:

AYES—Messrs. Anderson, Baker, Ballou, Bradley, Burton, Garter, Grant, Hamm, Kirkpatrick, Lansing, O'Farrell, Pacheco, and Wheeler—13.

NOES—Messrs. Berry, Burch, Dent, Dickinson, Denver, Gregory, Griffith, McDonald, Merritt, Parks, Price, Quinn, Redman, and Titus—14.

So the motion to adjourn was lost.

Senate bill No. 19, an Act to amend "An Act to regulate proceedings in civil cases, in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, was, on motion of Mr. Burch, indefinitely postponed.

Mr. Ballou asked and obtained leave of absence for Mr. Hart, for one day.

Mr. Lansing, by leave, presented the accounts of Geo. I. Lytle, J. P. Hammond, J. C. Rowe, and John Doherty, for papers served the Senate, which were referred to the Committee on Contingent Expenses.

GENERAL FILE RESUMED.

Assembly bill No 23, "An Act for the relief of David Weaver," was taken up, and, on motion of Mr. Burton, indefinitely postponed.

President *pro tem.* in the Chair.

Mr. Berry moved that the Senate do now adjourn, upon which the ayes and noes were demanded, by Messrs. Garter, Gregory, and Price, and taken, with the following result: ayes, 18—noes, 9:

AYES—Messrs. Anderson, Baker, Ballou, Bradley, Burch, Burton, Dent, Garter, Grant, Griffith, Hamm, Kirkpatrick, Lansing, Pacheco, Parks, Price, Quinn, and Wheeler—18.

NOES—Messrs. Berry, Dickinson, Denver, Gregory, McDonald, Merritt, O'Farrell, Redman, and Titus—9.

So the motion to adjourn was adopted.

Approved.

W. B. DICKINSON, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

TUESDAY, February 1, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Mr. Williams asked and obtained leave of absence for Mr. Parker, for one day.

Journals of yesterday read and approved.

On motion of Mr. Ballou, the vote by which Assembly bill No. 33, "An Act for the relief of David Weaver," was indefinitely postponed, on yesterday, was reconsidered.

On motion of Mr. Ballou, the bill was laid on the table.

The President here announced the Committee, on the part of Senate, relative to the translation of the laws into Spanish, consisting of Messrs. Pacheco, Redman, and Dent.

Mr. Pacheco was excused from serving on the Committee.

The President appointed Mr. Thom to fill the vacancy.

Mr. Berry presented a petition from the citizens of Siskiyou County, asking the Legislature to pass a law authorizing them to audit the claim of D. R. Dale, for attendance as a witness in the Courts of Shasta County.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 58, an Act to amend an Act entitled "An Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty;"

Also, Senate bill No. 87, an Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled "An Act to amend an Act concerning the Courts of Justice of this State and judicial officers," passed May nineteenth, one thousand eight hundred and fifty-three;

Have had the same under consideration, report both bills back, and recommend their passage.

Your Committee have also had under advisement Senate bill No. 43, an Act amending an Act entitled "An Act concerning jurors, passed May third, one thousand eight hundred and fifty-two;"

Also, Senate bill No. 38, "An Act amending an Act to regulate proceedings in criminal cases;"

And report the same back; a majority of the Committee recommend that they be indefinitely postponed.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Pacheco, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred a certain special message relating to the report of the Recording

Secretary of the State Agricultural Society, have had the same under consideration, and beg leave to report as follows:

That, after mature investigation, your Committee are unable to assign any reasons for the failure of the Recording Secretary to make his official report at the time required by law, other than those stated in his report made to His Excellency, the Governor, bearing date January eighth, one thousand eight hundred and fifty-nine; and furthermore beg leave to report, that we have had under consideration the official report of the Treasurer of the State Agricultural Society for the year one thousand eight hundred and fifty-eight, accompanying a special message of the Governor, of date January twenty-first, one thousand eight hundred and fifty-nine: said report does not emanate from the proper officer, but we believe the same to be substantially correct.

R. PACHECO, Chairman.

Report accepted.

Also, the following report:

MR. PRESIDENT:—The Joint Committee on Agriculture, to whom was referred Senate bill No. 76, "An Act concerning agricultural societies," have had the same under consideration, and beg leave to report the same back, recommending its passage.

R. PACHECO, Chairman.

Report accepted, and bill placed on file.

Mr. Grant, from the Special Committee consisting of the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The Special Committee, consisting of the delegation from San Francisco and San Mateo, to whom was referred Senate bill No. 86, an Act to amend an Act entitled "An Act to provide for the funding and payment of outstanding unfunded claims against the City of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six," have had the same under consideration, and report the same back to the Senate, without amendment, and recommend that the same pass.

GRANT, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Quinn, from the delegation of Tuolumne and Stanislaus Counties, made the following report:

MR. PRESIDENT:—The delegation to whom was referred Senate bill No. 63, an Act to amend an Act entitled "An Act relating to the Hospital affairs of Tuolumne County," passed April fourteenth, one thousand eight hundred and fifty-seven, have had the same under consideration, and respectfully report the bill back to the Senate, and recommend its passage, without amendment.

I. N. QUINN,
WM. HOLDEN, } Delegation.

Report accepted, and, with bill, placed on file.

GENERAL FILE.

Senate bill No. 56, an Act to amend an Act entitled "An Act to regulate

proceedings in civil cases, in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Wheeler, laid on the table.

Assembly bill No. 51, "An Act to amend an Act concerning the office of County Judge of San Joaquin County," was considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill read a third time, and passed.

Senate bill No. 89, an Act to repeal an Act entitled "An Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou," approved April twelfth, one thousand eight hundred and and fifty-eight, was considered in Committee of the Whole.

IN SENATE.

Reported back, ordered engrossed, and read a third time.

Senate bill No. 49, "An Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits," was considered in Committee of the Whole.

IN SENATE,

Reported back, rules suspended, bill considered engrossed, read third time, and passed.

Mr. Kirkpatrick gave notice that he would, on to-morrow, (Wednesday, February second,) move for a reconsideration of the vote just taken.

Assembly bill No. 32, "An Act to authorize the Board of Supervisors of Trinity County to levy a special tax, and create a Redemption Fund, for the payment of County indebtedness"—

On motion of Mr. Burch, the consideration of the bill in Committee of the Whole was dispensed with, rules suspended, bill read a third time, and passed.

Senate Concurrent-Resolution No. 16, "Relative to the boundary-line between Calfornia and Utah," was taken up and adopted.

Senate bill No. 30, "An Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two," was taken up.

Mr. Kirkpatrick moved to make the bill the special order of the day for Friday, February fourth, which was lost.

Mr. Burch moved to make it the special order of the day for Wednesday, February second, at twelve, M., upon which, the ayes and noes were demanded, by Messrs. Burch, Quinn, and Pacheco, and taken, with the following result: ayes, 20—noes, 13:

AYES—Messrs. Allen, Ballou, Berry, Burch, Dent, Dickinson, Denver, Grant, Gregory, Griffith, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Price, Quinn, Redman, Wheeler, and Williams—20.

NOES—Messrs. Anderson, Baker, Bradley, Burton, Garter, Lansing, McDonald, O'Farrell, Pacheco, Parks, Phelps, Thom, and Titus—13.

So the motion was adopted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 91, "An Act submitting to the people of the City and County of Sacramento, a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, in the City of Sacramento, and find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and bill placed on file.

Mr. Berry, by leave, introduced a bill for "An Act for holding a special term of the District Court in Del Norte County."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate Concurrent-Resolutions No. 11, censuring Hon. David C. Broderick, were taken up.

And, on motion of Mr. Griffith, made the special order of the day for Wednesday, at half past twelve o'clock, P. M.

The following report was received from the State Prison Directors. [See appendix.]

Mr. Phelps offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that fifteen hundred copies of the State-prison Report be printed for the use of both Houses.

On motion of Mr. Anderson, the report, with the resolution, was referred to the Committee on State-prison and Public Buildings.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 1, 1859.

To the Senate of California:

I transmit, herewith, a statement showing the expenditures of the State-prison during the months of March and April, whilst that institution was in my charge.

It will be seen that the expenditures exceeded the appropriation made for its temporary support, five thousand eight hundred and thirteen dollars and three cents. This was paid by the Directors, who took possession of the Prison on the first of May, and ought to be returned to that fund. The expenses were much greater during these than subsequent months, because the condition of the Prison on the first of March rendered an immediate outlay necessary; and besides, the cost of all sorts of provisions was much higher than during the summer months.

Two competent mechanics, having no connection whatever with the Prison, have assessed, (as will be seen from the statement hereto attached,) the value of the necessary improvements made by convict labor

during these months, at eleven thousand three hundred and forty-four dollars and thirteen cents. The value of the labor of convicts reported by the Directors, for eight months, is seventy-six thousand three hundred and seventy-eight dollars and thirty-eight cents. Add the labor for March and April, and we have, as the aggregate value of the work, for the ten months during which the State has had charge of the Prison, eighty-seven thousand seven hundred and twenty-two dollars and eighty-one cents, or a monthly average of eight thousand seven hundred and seventy-two dollars and twenty-eight cents. The vouchers referred to, in my account-current, will be found in the office of the Secretary of State, where they have been placed, subject to the order of the Legislature.

The whole number of convicts in Prison, when I took possession, was five hundred and twenty-three. The number turned over to the Directors on the first of May, five hundred and thirty-seven, showing an increase, during that period, of fourteen.

JOHN B. WELLER.

Message, with accompanying documents, was referred to the Committee on State-prison and Public Buildings.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 1, 1859.

To the Senate of California:

I transmit to your honorable body a statement of the contingent expenses of Governor's office, from the ninth of January, one thousand eight hundred and fifty-eight, to the first of January, one thousand eight hundred and fifty-nine.

JOHN B. WELLER.

STATEMENT

Of Contingent Expenses of Governor's Office, from ninth of January, one thousand eight hundred and fifty-eight, to first of January, one thousand eight hundred and fifty-nine:

1858.		
January 16...	Sign for Office-door	$3 50
February 1...	J. B. Weller	59 30
February 1...	F. R. Street	50 00
February 1...	G. H. Lovegrove	5 50
February 2...	J. W. Hall	7 50
February 3...	Rivett & Co., Shades	20 00
February 23..	Dickey, Harvey & Co., Stoves	52 50
May 17		21 00
May 31	Charles Ryers	40 00
June 1	Thomas Saunders, Work on Office	6 00
June 5	Wells, Fargo & Co	2 50
June 5	Thomas Gardiner, Papers	11 00
June 15	H. H. Bancroft, Books	55 00
June 15	Kelly, Cook & Mott, Water-cooler	10 00
June 16	F. Forman, Telegraphing	30 00

June 16.....	John O'Meara, "Prison Register".....	$40 00
June 16.....	Connor & Primm, Awning-posts.....	7 00
June 17.....	Post-office.....	22 75
June 21.....	J. M. Jordan, Matting.....	31 75
June 23.....	Locke & Lavenson, Awning.....	14 50
June 30.....	A. H. Gillespie, Services.....	100 00
June 30.....	John A. Brewster, Town-plots.....	178 50
June 30.....	J. W. Mandeville, Town-plots.....	360 00
June 30.....	H. A. Higley, Maps.....	245 00
June 30.....	Kirk & Co., Binding Books.....	11 25
June 30.....	J. Anthony & Co.....	16 00
June 30.....	T. H. Williams & Co., Expenses to Napa.....	35 00
July 20.....	J. C. McCreary & Co., Papers.....	16 00
July 20.....	Sacramento Gas Co.....	47 96
November 16	M. T. Brocklebank, Repairs.....	21 00
November 16	Sneath & Arnold, Candles.....	15 75
November 19	Kirk & Co., Stationery.....	15 75
December 1...	A. H. Gillespie, Paper.....	3 50
December 8...	Charles Ryers, Porter and Messenger.....	40 00
December 16.	M. T. Brocklebank, Sundries.....	52 00
December 16.	Charles Forman, Special Messenger.....	20 00
December 18.	J. B. Weller, Wood.....	24 00
December 24.	Post-office.....	17 76
December 31.	Charles Ryers, Messenger.....	40 00
December 31.	M. T. Brocklebank, Book-case.....	25 00
December 31.	L. B. Owens, Lamp-bill, etc.....	14 50
	Total.....	$1,788 77

JOHN B. WELLER, Governor.

Subscribed and sworn to before me, this first day of February, A. D. one thousand eight hundred and fifty-nine.

CHARLES S. FAIRFAX,
Clerk Supreme Court, State of California.

Message, with accompanying documents, referred to the Committee on Public Expenditure,

On motion of Mr. Ketcham, the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

WEDNESDAY, February 2, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Merritt presented a petition from citizens of Mariposa County, asking the Legislature to pass a law granting them the right of way to introduce the water of the Merced River across certain lands, for the purpose of irrigation.

Which was referred to the Committee on Agriculture.

REPORTS.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—The Committee on Contingent Expenses have examined the following accounts, find them to be correct, and recommend that they be allowed, for the respective amounts placed opposite thereto.

Account of Wm. Dougherty, for Alta California	$21 38
Account of C. Rowe, for repairing Locks	9 50
Account of J. P. Herrick, for carrying Mail	33 00
Account of G. J. Lytle, for Newspapers	73 77

C. J. LANSING, Chairman.

Report accepted, and, with accounts, placed on file.

Mr. Burton, Chirman of the Committee on State-prison and Public Buildings, made the following report:

Mr. President:—Your Committee on Public Buildings, to whom was referred Senate Concurrent-Resolution No. 18, relative to printing report of State-prison Directors," report the same back, with the following substitute, and recommend the passage of the substitute:

Resolved, By the Senate, the Assembly concurring, that twenty-five hundred copies of the "Report of the State-prison Directors" be printed in English, and five hundred in Spanish, for the use of both Houses.

On motion of Mr. Burton, the rules were suspended, substitute taken up, and adopted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 94, "An Act providing for holding a special term of the District Court in Del Norte County;

Also, Senate bill No. 57, "An Act fixing the salaries of District-Attorneys of certain Counties in this State;"

Also, Senate bill No. 65, an Act to amend an Act entitled "An Act to reincorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven;

Also, Senate bill No. 54, "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for lighthouses, and for other purposes, on the coasts and waters of this State;"

Also, Senate bill No. 81, "An Act for the relief of Elisha Packwood;"

And find the same correctly engrosed.

BAKER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant, from the Special Committee, consisting of the San Francisco and San Mateo delegation, made the following report:

Mr. President:—The Special Committee, consisting of the delegation from San Francisco and San Mateo, to whom was referred Senate bill No. 62, "An Act to provide for the payment of Jail-keepers, in the City and County of San Francisco," have had the same under consideration, report it back to the Senate without amendment, and recommend its passage.

GRANT, for Committee.

Report accepted, and, with bill, placed on file.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, passed Assembly bill No. 10, an Act amendatory and supplementary to an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three;

Also, Assembly bill No. 15, an Act to authorize and direct the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned;

Also, Assembly bill No. 39, "An Act to repeal an Act to incorporate the Town of Oroville, and an Act amendatory of an Act to incorporate the Town of Oroville;"

Also, Assembly bill No. 67, an Act to legalize the assessment of real and personal property made by John H. Lillard, in the County of Butte, during the years one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 85, an Act to authorize the Auditor and Treasurer of the City and County of Sacramento, to transfer certain funds, and for other purposes;

Also, Assembly bill No. 97, an Act to extend the time for completing the assessment-roll, and for collecting the taxes, of San Bernardino County;

Also, Assembly bill No. 104, an Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco;

And, also, have concurred in Senate Concurrent-Resolution No. 17, relative to appointing Joint Committee to select proposals for the translation of the Laws into the Spanish language, and have appointed Messrs. Tully, Hancock, and Lamar, Committee on part of the House.

C. GILMAN, Clerk.

February 2, 1859.

Assembly bill No. 10, "An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations, for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, was taken up, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 15, "An Act to authorize and direct the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned, was read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 39, an Act to repeal an Act entitled "An Act to incorporate the Town of Oroville, and an Act amendatory of, and supple-

mentary to an Act to incorporate the Town of Oroville," was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 67, "An Act to legalize the assessment of real and personal property, made by John H. Lillard, in the County of Butte, during the years A. D. one thousand eight hundred and fifty-six, and A. D. one thousand eight hundred and fifty-seven," was read first and second times, and referred to the delegation from Butte County.

Assembly bill No. 85 "An Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes," was read first and second times, and referred to the Sacramento delegation.

Assembly bill No. 97, "An Act to extend the time for completing the assessment roll, and for collecting the taxes, of San Bernardino county," was read first and second times, rules further suspended, bill read a third time, and passed.

Assembly bill No. 104, "An Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco," was read first and second times, rules further suspended, bill read third time, and passed.

The following communication was received from the Secretary of State:

STATE OF CALIFORNIA, CITY OF SACRAMENTO,
OFFICE OF SECRETARY OF STATE, Feb. 2, 1859.

Hon. Joseph Walkup, President of the Senate:

SIR:—In answer to the resolution adopted January thirty-first, one thousand eight hundred and fifty-nine, requesting the State officers to furnish the Senate with an estimate of the contingent expenses of their offices for the eleventh fiscal year, I have the honor to report to your honorable body the following:

For Contingent Expenses of Office of Secretary of State.....	$1,200 00
Library.....	1,300 00

Very respectfully,
FERRIS FORMAN, Secretary of State.

The communication was referred to the Committee on Finance.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on yesterday, adopted Senate amendments to Assembly bill No. 53, "An Act authorizing and requiring the Board of Supervisors of the County of San Mateo to levy a special tax;"

Also, passed Assembly substitute No. 19, for Senate Joint-Resolution No. 12, relative to instructing our Senators and requesting our Representatives, in Congress, to secure the establishment of light-houses and fog-bells, in the County of Marin.

C. GILMAN, Clerk.

FEBRUARY 1, 1859.

Assembly substitute for Senate Joint-Resolution No. 12, "relative to instructing our Senators and Representatives to have fog-bells and light-houses built, in the County of Marin"—on motion of Mr. Dickinson, the resolution was referred to the Committee on Federal Relations.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly have, this day, adopted Assembly Concurrent-Resolution No. 20, "relative to the investigation of the affairs of the Insane Asylum."

C. GILMAN, Clerk.

FEBRUARY 1, 1859.

Assembly Concurrent-Resolution No. 20, relative to the investigation of the affairs of the Insane Asylum, was taken up, and, on motion of Mr. Dickinson, the word "two," in the fourth line, was stricken out, and the word "three" inserted.

Resolution, as amended, was adopted.

Mr. Berry, by leave, introduced a bill for "An Act to authorize the location of the town-site of Crescent City.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Parker, by leave, introduced a bill for "An Act to repeal section two hundred and fourteen of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Denver, by leave, introduced a bill for "An Act amendatory of, and supplementary to, an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries, approved April sixth, one thousand eight hundred and fifty-eight."

Which was read first and second times, and referred to the delegation from El Dorado.

GENERAL FILE.

Senate bill No. 65, "An Act to amend an Act entitled An Act to incorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven, was taken up, read a third time, and passed.

Senate bill No. 54, "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this State," was read a third time.

Question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Pacheco, Gregory, and O'Farrell, and taken, with the following result: ayes, 23—noes, 4:

AYES—Messrs. Bradley, Burch, Burton, Dent, Denver, Garter, Grant, Gregory, Hart, Hamm, Ketcham, Lansing, McDonald, Merritt, O'Farrell, Parks, Phelps, Quinn, Redman, Thom, Titus, Wheeler, and Williams—23.

NOES—Messrs. Ballou, Berry, Holden, Pacheco—4.

So the bill passed.

Mr. Gregory gave notice that he would, on to-morrow, Thursday, February third, move for a reconsideration of the vote just taken.

SPECIAL ORDER OF THE DAY.

Senate bill No. 30, "An Act to divide the State into Congressional Distticts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and fifty-two," was taken up.

Pending which, Mr. Burch moved a call of the Senate.

Which was lost.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Titus, and Baker, and taken, with the following result: ayes, 15—noes, 12:

AYES—Messrs. Anderson, Baker, Ballou, Burton, Garter, Gregory, Lansing, O'Farrell, Pacheco, Parks, Phelps, Quinn, Thom, Titus, and Wheeler —15.

NOES—Messrs. Berry, Bradley, Burch, Dent, Denver, Hart, Hamm, Holden, Ketcham, Merritt, Price, and Redman—12.

So the bill was passed.

Mr. Quinn gave notice that he would, on to-morrow, Thursday, February third, move to reconsider the vote just taken.

FURTHER SPECIAL ORDER.

Senate bill No. 39, an Act to repeal an Act for the protection of settlers, and to quiet land-titles in this State, passed March twenty-sixth, one thousand eight hundred and fifty-six, was taken up.

And, on motion of Mr. O'Farrell, laid on the table.

GENERAL FILE RESUMED.

Senate bill No. 63, an Act to amend an Act entitled "An Act relating to the Hospital affairs of Tuolumne County, passed April fourteenth, one thousand eight hundred and fifty-seven," was taken up, and ordered engrossed, and read a third time.

Senate bill No. 87, an Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled "An Act to amend an Act concerning the Courts of Justice of this State, and Judicial officers, passed May nineteenth, one thousand eight hundred and fifty-three, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 58, an Act to amend an Act entitled "An Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty—

On motion of Mr. Burton, the bill was made the special order of the day for Friday, February fourth, at one o'clock, P. M.

FURTHER SPECIAL ORDER.

Senate Concurrent-Resolutions No. 11, censuring the Hon. David C. Broderick, were taken up.

Mr. Baker moved the previous question, upon which, the ayes and noes

were demanded, by Messrs. Ballou, Baker, and Griffith, and taken, with the following result: ayes, 20—noes, 10:

AYES—Messrs. Anderson, Baker, Bradley, Burch, Dent, Dickinson, Denver, Garter, Hamm, Holden, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Parks, Price, Quinn, Redman, and Titus—20.
NOES—Messrs. Allen, Ballou, Burton, Gregory, Griffith, Ketcham, Parker, Phelps, Wheeler, and Williams—10.
DECLINED.—Messrs. Pacheco and Thom.

So the previous question was sustained, Messrs. Pacheco and Thom declining to vote.

The question being "Shall the main question be now put?" the ayes were demanded, by Messrs. Griffith, Dickinson, and Baker, and taken, with the following result: ayes, 9—noes, 22:

AYES—Messrs. Allen, Ballou, Burton, Gregory, Griffith, Hart, Parker, Phelps, and Wheeler—9.
NOES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Dent, Dickinson, Denver, Garter, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Parks, Price, Quinn, Redman, and Titus—22.
DECLINED—Messrs. Pacheco, Thom, and Williams.

So the motion to reconsider was lost.

Mr. Griffith asked and obtained leave to instruct the Secretary to have his vote changed, on the Journals of the twenty-first of January, from the affirmative to the negative, on the passage of the resolutions censuring the Hon. David C. Broderick.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate concurrent-Resolution No. —, relative to printing the report of the State-prison Directors, and find the same correctly engrossed.

BAKER, Chairman.

The following communication was received from the Controller of State:

OFFICE OF CONTROLLER OF STATE,
Sacramento, February 2d, 1859.

SIR:—In compliance with the resolution of the Senate, passed on the first instant, I have the honor to state that the estimate for the contingents for this office, for the eleventh fiscal year, is twenty-five hundred ($2,500) dollars.

Respectfully, etc.,

A. R. MELONY, State Controller.

To the honorable President of the Senate, Sacramento, California.

Communication referred to the Committee on Finance.

GENERAL FILE RESUMED.

Senate bill No. 43, an Act amending an Act entitled "An Act concerning jurors, approved May third, one thousand eight hundred and fifty-

two," was taken up, and, on motion of Mr. Anderson, made the special order of the day for to-morrow, (Thursday, February third,) at half-past twelve o'clock, P. M.

Senate bill No. 38, an Act to amend an Act entitled "An Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one," was, on motion of Mr. Anderson, made the special order of the day, for to-morrow, Thursday, February third, at one o'clock, P. M.

Mr. McDonald, from the Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 52, "An Act amendatory of an Act to fix the time for holding the terms of the District Courts throughout this State, passed May eighteenth, one thousand eight hundred and fifty-three;"

Also, Senate bill No. 66, "An Act for the relief of Henry L. Davis;"

Also, Senate bill No. 74, "An Act to authorize the executors of the estate of Thomas O. Larkin, deceased, to sell personal property at private sale;"

And find the same correctly enrolled.

J. M. McDONALD, for Committee.

Report accepted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate Concurrent-Resolution No. 10, relative to printing one thousand copies of the Governor's Message in the German language;

Also, Senate Concurrent-Resolution No. 17, relative to appointing a Joint Committee to select proposals for the translation of the Laws into the Spanish language;

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

GENERAL FILE RESUMED.

Senate bill No. 76, "An Act concerning agricultural societies," was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Thom, made the special order of the day for Saturday, February fifth, at twelve o'clock, M.

Mr. Merritt in the Chair.

Mr. Parks asked and obtained leave to withdraw the Report of the Committee on Agriculture, reported to the Senate on February first, instant.

REPORT OF THE SERGEANT-AT-ARMS.

The following report was received from the Sergeant-at-Arms of the Senate, showing the amount of postage paid to each member of the Senate:

REPORT,

Of the Sergeant-at-Arms of Senate, of Amount of Postage paid to each Member, from the commencement of the Session, to February second, one thousand eight hundred and fifty-nine:

J. Walkup	$5 85
J. Anderson,	25 00
Isaac Allen	8 40
J. H. Baker	8 20
J. Berry	9 60
B. T. Bradley	10 20
J. C. Burch	12 65
E. F. Burton	11 30
S. A. Ballou	11 10
G. W. Dent	10 25
W. B. Dickinson	7 60
A. St. C. Denver	8 75
G. A. Grant	25 00
E Garter	9 00
D. S. Gregory	6 60
H. Griffith	11 70
A. S. Hart	13 55
S. F. Hamm	5 50
W. Holden	10 00
L. N. Ketcham	8 80
M. Kirkpatrick	6 00
C. T. Lansing	5 80
J. M. McDonald	17 30
S. A. Merritt	10 50
J. O'Farrell	14 70
R. Pacheco	11 60
W. H. Parks	7 85
S. H. Parker	17 40
T. G. Phelps	11 20
J. Price	7 50
I. N. Quinn	12 10
R. A. Redman	17 30
C. E. Thom	18 95
I. S. Titus	14 25
E. D. Wheeler	11 35
C. H. S. Williams	15 70
E. C. Palmer, (Secretary,)	10 10
J. W. Hawkins, (Sergeant-at-Arms,)	25 00
Total	$443 65

On motion of Mr. Burton, the report was referred to the Committee on Contingent Expenses.

FURTHER MESSAGE FROM ASSEMBLY.

Mr. President:—The Assembly have, this day, concurred in Senate

amendment to Assembly Concurrent-Resolution No. 20, relative to the investigation of the affairs of the Insane Asylum, and have appointed Messrs. Eagon, Burdick, and De Long, Committee on the part of the House.

C. GILMAN, Clerk.

FEBRUARY 2, 1859.

The President here announced the Committee on the part of the Senate, in compliance with Assembly Concurrent-Resolution No. 20, relative to visiting the Insane Asylum, consisting of Messrs. Dent, Lansing, and Griffith.

On motion of Mr. Wheeler, the Senate adjourned.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

THURSDAY, February 3, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Phelps asked and obtained leave of absence, for Mr. Grant, for one day.

Journals of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 80, "An Act to allow Berthold Hoen to sell certain real estate," have had the same under consideration, report the bill back, amended, and recommend its passage, as amended.

Amend section three, line three, after the word "proceed," insert "to sell."

Amend section four, line two, after the word "Probate," insert the word "Judge."

Senate bill No. 15, "An Act to regulate the creating of homesteads," is herewith reported back, amended; Messrs. Burch, Gregory, Merritt, and Thom, recommend its passage, as amended—and Messrs. Garter and Anderson recommend that it do not pass.

Amend, by striking out section thirteen.

Your Committee have also had under advisement Senate bill No. 12, "An Act to provide for setting apart the homestead, and to protect the same from forced sale;"

Also, Senate bill No. 93, "An Act to provide for the conveyance of mining-claims;"

And, Assembly bill No. 48, "An Act to enable poor persons to prosecute and defend suits;"

And report the three bills back, and recommend that they be indefinitely postponed.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred the monthly report of the Sergeant-at-Arms of the Senate, relative to the amount of postage paid each member from commencement of session, recommend that the same be approved.

C. J. LANSING, Chairman.

Report accepted, and, with accounts, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined substitute for Senate Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants;

Also, Senate bill No. 89, an Act to repeal "An Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou," approved April twelfth, one thousand eight hundred and fifty-eight;

Also, Senate Concurrent-Resolution No. 16, relative to the boundary-line between California and Utah;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the second day of February, A. D. one thousand eight hundred and fifty-nine, at one o'clock and forty-five minutes, presented to His Excellency, the Governor, for his approval, Senate bill No. 52, an Act amendatory of "An Act to fix the time for holding the terms of the District Court throughout this State," passed May eighteenth, one thousand eight hundred and fifty-three;

Also, Senate bill No. 67, "An Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee;"

Also, Senate bill No. 74, an Act to authorize the executors of the estate of Thomas O. Larkin, deceased, to sell personal property at private sale.

BERRY, Chairman.

Report accepted.

Mr. McDonald presented remonstrance from citizens of Santa Clara County, against the passage of any law granting the right to certain persons to cut a canal, etc., in said County.

Remonstrance referred to the Committee on Commerce and Navigation.

Mr. Merritt, of Special Joint Committee, made the following report:

MR. PRESIDENT:—The undersigned, Joint Committee of the Senate and

Assembly, appointed to select some competent German and English scholar, to translate the Governor's Message into German, beg leave to report, that they have selected Julius Schulz, to perform said duty, at a compensation of one dollar per folio.

All of which is respectfully submitted,

SAMUEL A. MERRITT, Senate.
CHARLES R. STREET, Assembly.

Report accepted, and placed on file.

Mr. Thom, by leave, introduced a bill for an Act entitled "An Act to regulate proceedings in civil cases, in the Courts of Justice in this State."

Which was read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Senate bill No. 62, "An Act to provide for the payment of Jail-keepers, in the City and County of San Francisco," was taken up.

Mr. Williams moved to lay the bill on the table.

Which was lost.

On motion of Mr. O'Farrell, the bill was made the special order of the day for Tuesday, the eighth of February, at twelve o'clock, M.

Mr. Kirkpatrick, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—Your Committee on Federal Relations, to whom was referred Joint-Resolutions No. 12, relative to the establishment of a light-house and fog-bell in the County of Marin, and Assembly substitute No. 19, therefor,—have had the same under consideration, and report the same back, recommending the passage of the Assembly substitute No. 19, with the following amendments:

Strike out the first resolution of said substitute, and insert the following:

"*Resolved*, By the Senate and Assembly of California, that our Senators in Congress be instructed, and our Representatives requested, to procure the establishment of a light-house and fog-bell on Punta de los Reyes, in the County of Marin, and to adopt such measures as will insure its speedy erection.

KIRKPATRICK, Chairman.

Report accepted, and, with resolution, placed on file.

GENERAL FILE RESUMED.

Senate bill No. 86, an Act to amend an Act entitled "An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six," was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, bill ordered engrossed, and read a third time.

Report of the Committee on Contingent Expenses, recommending the payment of certain newspaper accounts, was adopted.

Senate bill No. 80, an Act to allow Berthold Hoen to sell certain real estate, was considered in Committee of the Whole.

IN SENATE.

Reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 57, "An Act concerning the office of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco."

Also, Assembly bill No. 70, "An Act to change the name of John Teachout to John Thompson.

Also, concurred in Senate resolution No. 18, relative to printing the report of the State-prison Directors, with amendments.

And have, also, adopted Assembly Concurrent-Resolution No. 8, relative to outrages by Mexicans on American territory.

C. GILMAN, Clerk.

FEBRUARY 3, 1859.

GENERAL FILE RESUMED.

Assembly bill No. 57, an Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco, was taken up, read first and second times, and referred to the San Francisco and San Mateo delegation.

Assembly bill No. 70, an Act to change the name of John Teachout to John Thompson, was read first and second times, and referred to a special Committee, of which Mr. Kirkpatrick is Chairman.

Senate Concurrent-Resolution No. 18, relative to printing the report of the State-prison Directors—

On motion of Mr. Burton, Assembly amendment was concurred in.

Senate Concurrent-Resolution No. 8, relative to outrages committed by Mexicans on American territory, was, on motion of Mr. Burton referred to the Committee on Federal Relations.

Mr. Burton, by leave, introduced the following resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Joint Committee appointed to examine the accounts of the late State Treasurer, Dr. S. A. McMeans, be allowed a Clerk, to be paid one half out of the Contingent Fund of the Senate and one half out of the Contingent Fund of the Assembly.

GENERAL FILE RESUMED.

Senate bill No. 15, an Act to regulate the creation of homesteads, was taken up, and, with Senate bill No. 12, an Act to provide for setting apart the homestead and to protect the same from forced sale, were made the special order of the day for Wednesday, February ninth, at twelve o'clock, M.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 3, 1859.

To the Senate of California:

I have to inform your honorable body that I have, this day, approved an Act "to authorize Henry Hare Hartley to sell certain real estate held by him as trustee."

Also, an Act "to authorize the Executors of the last will and testament of Thos. O. Larkin, deceased, to sell personal property of testator at private sale."

Also, an Act "for the relief of Henry L. Davis."

Also, an Act amendatory of "An Act to fix the time for holding the terms of the District Courts throughout this State, passed May eighteenth, eighteen hundred and fifty-three."

I also, on yesterday, approved an Act "to regulate the fees of certain officers in the County of Tuolumne;"

Also, an "Act relating to the Coroner of the City and County of San Francisco;"

Also, approved, on yesterday, an Act "for extending the time for the Sheriff of Sacramento County to collect the delinquent taxes for the year one thousand eight hundred and fifty-eight."

JOHN B. WELLER.

GENERAL FILE RESUMED.

Senate bill No. 2, "An Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken up, and made the special order of the day, for Tuesday, February fifteenth, at twelve o'clock, M.

SPECIAL ORDER OF THE DAY.

Senate bill No. 43, "An Act amending an Act entitled an Act concerning jurors," approved May third, one thousand eight hundred and fifty-two, was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Merritt, Burton, and Bradley, and taken, with the following result: ayes, 10—noes, 21:

AYES—Messrs. Berry, Burch, Garter, Gregory, Griffith, Holden, Lansing, Merritt, Pacheco, and Parks—10.

NOES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Burton, Denver, Hart, Hamm, Ketcham, Kirkpatrick, McDonald, O'Farrell, Parker, Phelps, Price, Quinn, Redman, Titus, Wheeler, and Williams—21.

So the motion to indefinitely postpone was lost.

The bill was then ordered engrossed, and read a third time.

Mr. Quinn, pursuant to notice given on yesterday, moved for a recon-

sideration of the vote by which Senate bill No. 30, an Act to divide the State into Congressional Districts, according to an Act of Congress approved June twenty-fifth, one thousand eight hundred and forty-two, was passed on yesterday.

The question being upon the motion to reconsider, the ayes and noes were demanded, by Messrs. Baker, Burch, and Griffith, and taken, with the following result: ayes, 16—noes, 13:

AYES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Dickinson, Denver, Griffith, Hart, Hamm, Holden, Ketcham, Merritt, Price, Quinn, and Redman—16.

NOES—Messrs. Baker, Burton, Garter, Gregory, Lansing, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Titus, and Wheeler—13.

So the motion was adopted.

And, on motion of Mr. Burton, the bill was made the special order of the day for Friday, February fourth, at twelve, M.

FURTHER SPECIAL ORDER.

Senate bill No. 38, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one, was taken up, and, on motion of Mr. Griffith, laid on the table.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 69, an Act providing for holding a special term of the District Court in the Thirteenth Judicial District;

And have also adopted the report of the Joint Committee appointed to select some competent German and English scholar to translate the Governor's Message into the German language, selecting Julius Schulz to perform that duty, at a compensation of one dollar per folio.

C. GILMAN, Clerk.

FEBRUARY 3, 1859.

Assembly bill No. 69, "An Act providing for holding a special term of the District Court of the Thirteenth Judicial District, was taken up, and, on motion of Mr. Merritt, referred to the delegation from the Thirteenth Senatorial District.

The report of the Special Joint Committee on translation of the Governor's Message into German, was taken up, and adopted.

GENERAL FILE RESUMED.

Senate bill No. 93, "An Act to provide for the conveyance of mining-claims," was taken up, and, on motion of Mr. Burton, made the special order of the day for Friday, February fourth, at half past twelve o'clock, P. M.

Assembly bill No. 48, "An Act to enable poor persons to prosecute and defend suits," was taken up, and laid on the table.

Mr. Thom, by leave, introduced a bill for "An Act entitled an Act to legalize arrests made on the authority of information transmitted by telegraph."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Phelps, by leave, made the following report:

Mr. President:—The San Francisco and San Mateo delegation, to whom was referred Assembly bill No. 15, "An Act to authorize and direct the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned," have had the same under consideration, and report the bill back, and recommend its passage.

PHELPS, of the Delegation.

Report accepted, and, with bill, placed on file.

On motion of Mr. Allen, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. Palmer, Secretary Senate.

IN SENATE.

Friday, February 4, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Mr. Quinn asked and obtained indefinite leave of absence, for Mr. Dent.

Journals of yesterday read and approved.

Mr. Baker presented a petition from citizens of Placer County, praying the Legislature to enact a Sunday law.

Petition referred to the Committee on Public Morals.

REPORTS.

Mr. Kirkpatrick, Chairman of the Committee on Federal Relations, made the following report:

Mr. President:—Your Committee on Federal Relations, to whom was referred Assembly Concurrent-Resolution No. [illegible] relative to the payment, by the General Government, of revenue collected prior to the admission of California into the Union, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

M. KIRKPATRICK, Chairman.

Report accepted, and, with resolution, placed on file.

President in the Chair.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed bills have examined Senate bill No. 63, "An Act to amend an Act entitled an Act relating to to the Hospital affairs of Tuolumne County, passed April fourteenth, one thousand eight hundred and fifty-seven;"

Also, Senate Concurrent-Resolution No. 19, relative to allowing Joint Committee on Accounts of S. A. McMeans, late State Treasurer, a clerk; And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate Concurrent-Resolution No. 13, relative to printing the Report and certain portions of the Report of the Surveyor-General, and find the same correctly enrolled.

J. BERRY, Chairman.

Report accepted.

Mr. Ballou, of the Special Committee, consisting of the delegation of Butte and Plumas Counties, made the following report:

MR. PRESIDENT:—The Special Committee, composed of the delegation from Butte, to whom was referred Assembly bill No. 67, an Act to legalize the assessment of real and personal property made by John H. Lillard, in the County of Butte, during the years A. D. one thousand eight hundred and fifty-six, and A. D. one thousand eight and fifty-seven, and herewith report the bill back to the Senate, recommending its passage.

A. S. HART,
S. A. BALLOU, } Committee.

Report accepted, and, with bill, placed on file.

Mr. Berry, by leave, introduced a bill for an Act to authorize the Board of Supervisors of Siskiyou County, to audit and allow the claim of D. R. Dale.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, concurred in Senate Concurrent-Resolutions No. 11, relative to instructing Hon. D. C. Broderick to resign his seat in the United States Senate.

C. GILMAN, Clerk.

FEBRUARY 4, 1859.

COMMUNICATION FROM THE STATE TREASURER.

The following communication was received from the State Treasurer:

STATE OF CALIFORNIA, TREASURY DEPARTMENT,
Sacramento, February 3, 1859.

To the Senate of California:

Two thousand dollars will be sufficient for the Contingent Fund of State Treasurer's office, for the eleventh fiscal year, but an appropriation

of twenty-four hundred dollars will be necessary for pay of Watchmen for this office, if Watchmen are employed, and I deem them necessary. Watchmen, during the past year, have been paid from my Contingent Fund.

THOMAS FINDLEY, State Treasurer.

Communication referred to the Committee on Finance.

COMMUNICATION FROM THE SUPERINTENDENT OF INSTRUCTION.

The following communication was received from the Superintendent of Public Instruction:

DEPARTMENT OF INSTRUCTION,
Feb. 3, 1859.

To the Honorable the Senate of the State of California:

In compliance with the resolution of your honorable body I herewith submit an estimate of the contingent expenses of this office for the eleventh fiscal year.

For rent of office, services of clerk during a portion of the year, contingent expenses, and expenses of visiting the schools of the several counties throughout the State, three thousand five hundred dollars.

The State Superintendent thinks he could effect much good, were he permitted to visit all the schools throughout the State, hold the teachers and school officers to a strict accountability, and, by personal appeals, rouse the people to exertion in support of the cause of education.

During the past year, he has closely studied the systems and school appliances of other States in the Union, and has informed himself upon the vast improvements made in the "art of teaching," within the last five or ten years.

By a personal inspection of the schools he will be enabled to point out to those having charge of them, their deficiencies and imperfections, and the best mode, devised from the educational experience of the whole Union, of rectifying these defects.

The necessary amount to cover the expenses of such an official tour is included in the $3,500 asked for.

Should your honorable body think the good likely to be effected out of proportion to the small expense to be incurred, the appropriation for rent of office, clerical assistance, and contingent expenses of the Superintendent of Public Instruction, during the eleventh fiscal year, may be reduced to $2,500.

Very respectfully,
ANDREW J. MOULDER,
Superintendent of Public Instruction.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for an Act amendatory of, and supplemental to, an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight."

Which was read first and second times, and made the special order of

the day for Tuesday, February fifteenth, eighteen hundred and fifty-nine.

Mr. Merritt, by leave, introduced a bill for "An Act supplemental to an Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three."

Which was read first and second times, and referred to the Committee on Corporations.

Mr. Gregory, by leave, introduced a bill for an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Berry, Chairman of the Committee on Enrolled Bills made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate Concurrent-Resolutions No. 11, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Burton offered the following Concurrent-Resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Committee on Claims of the Senate, and the Committee on Claims of the Assembly, be requested to act jointly on all business referred to them;

Also, the following Concurrent-Resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Secretary of State be allowed to return to their owners all original papers of claims that have been audited by the Legislature.

GENERAL FILE.

Assembly bill No. 15, "An Act to authorize and direct the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned, was considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

Senate bill No. 39, an Act to repeal an Act entitled "An Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou," approved April twelfth, one thousand eight hundred and fifty-eight, was considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time, and passed.

REPORT OF COMMITTEE ON CONTINGENT EXPENSES.

The following report from the Chairman of the Committee on Contingent Expenses, was taken up, and adopted:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the annexed report of the Sergeant-at-Arms, and find it correct:

REPORT,

Of the Sergeant-at-Arms of Senate, of Amount of Postage paid to each Member, from the commencement of the Session, to February second, one thousand eight hundred and fifty-nine:

J. Walkup	$5 85
J. Anderson,	25 00
Isaac Allen	8 40
J. H. Baker	8 20
J. Berry	9 60
B. T. Bradley	10 20
J. C. Burch	12 65
E. F. Burton	11 30
S. A. Ballou	11 10
G. W. Dent	10 25
W. B. Dickinson	7 60
A. ST. C. Denver	8 75
G. A. Grant	25 00
E Garter	9 00
D. S. Gregory	6 60
H. Griffith	11 70
A. S. Hart	13 55
S. F. Hamm	5 50
W. Holden	10 00
L. N. Ketcham	8 80
M. Kirkpatrick	6 00
C. T. Lansing	5 80
J. M. McDonald	17 30
S. A. Merritt	10 50
J. O'Farrell	14 70
R. Pacheco	11 60
W. H. Parks	7 85
S. H. Parker	17 40
T. G. Phelps	11 20
J. Price	7 50
I. N. Quinn	12 10
R. A. Redman	17 30
C. E. Thom	18 95
I. S. Titus	14 25
E. D. Wheeler	11 35
C. H. S. Williams	15 70
E. C. Palmer, (Secretary,)	10 10
J. W. Hawkins, (Sergeant-at-Arms,)	25 00
Total	$443 65

Assembly substitute for Senate Joint Resolution No. 12, relative to the establishment of light-houses and fog-bells, in the County of Marin, was considered in Committee of the Whole.

IN SENATE.

Resolutions reported back, amendments of Committee concurred in, read a third time, and passed.

Senate bill No. 63, an Act to amend an Act entitled an Act relating to the Hospital affairs of Tuolumne County, passed April fourteenth, one thousand eight hundred and fifty-seven, was considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time, and passed.

Assembly Concurrent-Resolution No. 12, relative to payment, by the General Government, of revenue collected prior to the admission of this State into the Union, was taken up, and concurred in.

Assembly bill No. 67, an Act to legalize the assessment of real and personal property made John H. Lillard, in the County of Butte, during the years A. D. one thousand eight hundred and fifty-six, and A. D. one thousand eight hundred and fifty-seven, was considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 93, "An Act to provide for the conveyance of mining-claims," was considered in Committee of the Whole.

IN SENATE.

Reported back, and, the question being upon the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Burton, Titus, and Gregory, and taken, with the following result: ayes, 10—noes, 21:

AYES—Messrs. Anderson, Burch, Dickinson, Denver, Garter, Gregory, Merritt, O'Farrell, Thom, and Wheeler—10.

NOES—Messrs. Baker, Ballou, Berry, Bradley, Burton, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Kirkpatrick, McDonald, Parks, Parker, Phelps, Price, Quinn, Redman, Titus, and Williams—21.

So the Senate refused to indefinitely postpone the bill.

The bill was then ordered engrossed, and read a third time.

FURTHER SPECIAL ORDER.

Senate bill No. 30, an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two," was taken up.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Merritt, Burton, and Bradley, and taken, with the following result: ayes, 14—noes, 14:

AYES—Messrs. Baker, Ballou, Burton, Garter, Gregory, McDonald

O'Farrell, Parks, Parker, Phelps, Thom, Titus, Wheeler, and Williams—14.

Noes—Messrs. Berry, Bradley, Burch, Dickinson, Denver, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Price, Quinn, and Redman—14.

The President voting in the affirmative.

So the bill passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

Mr. President:—The Assembly have, this day, passed Assembly bill No. 111, an Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco.

C. GILMAN, Clerk.

February 4, 1859.

Assembly bill No. 111, an Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco, was taken up, read first and second times, rules suspended, read a third time, and passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 43, an Act amending an Act entitled an Act concerning jurors, approved May third, one thousand eight hundred and fifty-two, and find the same correctly engrossed.

BAKER, Chairman.

Mr. Redman, by leave, offered the following resolution, which was adopted:

Resolved, That the Committee on Agriculture, for the purpose of investigating and collecting facts relating to the reports of the Recording Secretary and Treasurer of the State Agricultural Society, be, and he is hereby, invested with power to send for persons and papers.

GENERAL FILE RESUMED.

Senate bill No. 13, an Act to amend an Act entitled "An Act to regulate proceedings in civil cases, approved April twenty-ninth, one thousand eight hundred and fifty-one," was taken up, read a third time, and passed.

Senate bill No. 58, an Act to amend an Act entitled an Act concerning conveyances, passed April fifteenth, one thousand eight hundred and fifty, was considered in Committee of the Whole.

IN SENATE.

Reported back, bill ordered engrossed, and read a third time.

FURTHER MESSAGE FROM THE ASSEMBLY.

Mr. President:—The Assembly have, this day, passed Assembly bill No. 112, "An Act supplementary to an Act to extend the time for com-

pleting the assessment-roll, and for collecting the taxes, of San Bernardino County."

C. GILMAN, Clerk.

FEBRUARY 4, 1859.

Assembly bill No. 112, an Act supplementary to an Act to extend the time for completing the assessment-roll, and for collecting the taxes, of San Bernardino County, was taken up, read first and second times, and referred to Mr. Thom.

Mr. Kirkpatrick, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—Your Committee on Federal Relations, to whom was referred "Assembly Concurent-Resolution No. 8, relative to outrages by Mexicans, on American territory," have had the same under consideration, and report it back, recommending its passage, with amendments.

M. KIRKPATRICK, Chairman.

Amend, by striking out the first resolution, and insert the following:

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives in Congress requested, to urge upon the General Government the necessity of investigating this outrage upon American citizens, and demanding of the Mexican Government immediate reparation for the same, and a sufficient guarantee from that Government that like outrages shall not again be inflicted on our citizens, or a like indignity offered to the Government of the United States.

Assembly Concurrent-resolution No. 8, "Relative to Mexican outrages on American territory," was taken up, and the amendments of Committee adopted.

On motion of Mr. Quinn, the resolutions, as amended, were adopted.

Assembly bill No. 43, an Act amending An Act entitled "An Act concerning jurors," approved May third, one thousand eight hundred and fifty-two, was taken up, and, on motion of Mr. Ballou, made the special order of the day for Tuesday, February seventh, at twelve o'clock, M.

On motion of Mr. Burch, the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

SATURDAY, February 5, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Thom asked and obtained leave of absence for Mr. Pacheco, for two days.

Journals of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred: Assembly bill No. 39, an Act to repeal an Act entitled "An Act to incorporate the Town of Oroville, and an Act amendatory of, and supplemental to, an Act to incorporate the Town of Oroville;"

Also, Senate bill No. 96, an Act to authorize the location of the Town of Crescent City;

Have had the same under consideration, report the same back, and recommend their passage.

Senate bill No. 41, an Act in relation to the assignment of rights in action, and evidence of such assignment and notice thereof, is herewith reported back, the majority of your Committee recommending its passage, as amended—and the minority, that it pass, without amendment.

Amend, by striking out section one, and re-numbering the other sections, commencing with section two as section one.

Your Committee have also had under advisement Senate bill No 59, an Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the registration of marriages, births, divorces, and deaths, in California, approved April twenty-sixth, one thousand eight hundred and fifty-eight, and report the same back, with the recommendation that it do pass.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Thom, from the delegation of the First District, made the following report:

Mr. President:—The delegation to whom was referred Assembly bill No. 112, being "An Act supplementary to an Act to extend the time for completing the assessment-roll, and for collecting the taxes, of San Bernardino County, have had the same under consideration, and beg leave to report the bill back, without amendment, and recommend its passage.

THOM, for delegation.

Report accepted, and, with bills, placed on file.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, passed Assembly bill No. 59, "An Act to provide for the holding of the January term of the Seventeenth Judicial District, in the County of Plumas;"

Also, Assembly bill No. 102, "An Act concerning the County Judge of the County of Solano."

C. GILMAN, Clerk.

February 5, 1859.

Assembly bill No. 59, "An Act to provide for the holding of the January term of the Seventeenth Judicial District, in the County of Plumas," was taken up, read first and second times, and referred to the delegation from Plumas County.

Assembly bill No. 102, "An Act concerning the County Judge of the

County of Solano," read first and second times, and referred to the delegation from Solano County.

Mr. Dickinson offered the following resolution:

Resolved, That when the Senate adjourns, it adjourns to Wednesday next, February ninth, at eleven o'clock, A. M.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Merritt, and Quinn, and taken, with the following result: ayes, 15—noes, 11:

AYES—Messrs. Anderson, Allen, Baker, Dickinson, Denver, Garter, Hart, Kirkpatrick, O'Farrell, Parks, Parker, Phelps, Redman, Wheeler, and Williams—15.

NOES.—Messrs. Ballou, Berry, Bradley, Burch, Grant, Holden, Ketcham, McDonald, Merritt, Quinn, and Thom—11.

So the resolution was adopted.

Mr. Berry offered the following Concurrent-Resolution:

Resolved, By the Senate, the Assembly concurring, that the Legislature adjourn *sine die* on Monday, the twenty-first day of March, one thousand eight hundred and fifty-eight, at twelve o'clock, M.

On motion of Mr. Kirkpatrick, the resolution was laid on the table.

GENERAL FILE.

Assembly bill No. 39, an Act to repeal an Act entitled "An Act to incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville," was taken up, read a third time, and passed.

Senate bill No. 96, "An Act to authorize the location of the Town-site of Crescent City," was taken up; rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 41, an Act in relation to the assignment of rights in action, and evidence of such assignment and notice thereof," was considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Burch, made the special order for Thursday, February tenth, at twelve, M.

Senate bill No. 59, an Act amendatory of, and supplementary to, "An Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight, was considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr Merritt, made the special order of the day for Wednesday, February ninth, at twelve, M.

Assembly bill No. 112, "An Act supplementary to an Act to extend the time for completing the assessment-roll, and for collecting the taxes, of San Bernardino County," was taken up, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 76, "An Act concerning agricultural societies" was taken up and considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Redman, recommitted to the Committee on Agriculture.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, to-day, passed Assembly bill No. 119, "An Act to extend the time for collecting taxes in Solano County."

C. GILMAN, Clerk.

FEBRUARY 5, 1859.

Assembly bill No. 119, "An Act to extend the time for the collection of taxes in the County of Solano," was taken up, read first and second times, rules further suspended, read a third time, and passed.

Mr. Anderson moved that the Senate do now consider Senate bill No. 43, which was made the special order of the day for Monday, February seventh, at twelve o'clock M., an Act amending an Act entitled "An Act concerning jurors," approved May third, eighteen hundred and fifty-two.

Pending which, Mr. Burch rose to a point of order: that the Senator from Placer, Mr. Anderson, not voting with the majority to make the bill the special order of the day for Monday, February seventh, at twelve o'clock, can not now move for a reconsideration of said vote.

The Chair decided the point of order well taken.

Mr. Ballou moved that the Senate do now consider Senate bill No. 43, which was made the special order of the day for Monday, February seventh, at twelve o'clock M.

Mr. Burton rose to a point of order: "that a bill having been made the special order for a certain day, it is not in order to change the day by a reconsideration of the vote on the following day."

The Chair decided the point of order not well taken.

On motion of Mr. Parker, the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

WEDNESDAY, February 9, 1859.

The Senate met, pursuant to adjournment.

The President in the Chair.

Roll called.

Journals of Saturday read and approved.

Mr. Bradley asked and obtained leave of absence, for Mr. O'Farrell, until Monday next.

Mr. Grant asked and obtained indefinite leave of absence, for Mr. Price.

And Messrs. Williams and McDonald, for one day.

Mr. Allen asked and obtained indefinite leave of absence, for Mr. Wheeler.

Mr. Burton asked and obtained indefinite leave of absence, for Mr. Ballou.

Mr. Kirkpatrick asked and obtained leave of absence, for Mr. Redman, for one day.

Mr. Titus presented a petition from citizens of the State, relative to licenses.

Which was referred to the Committee on Finance.

REPORTS.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 58, an Act to amend an Act entitled "An Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, Senate bill No. 80, an Act to allow Berthold Hoen to sell certain real estate;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

On motion of Mr. Merritt, the vote by which Senate bill No. 58, an Act to amend an Act entitled "An Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty, was ordered engrossed and read a third time, was reconsidered.

On motion of Mr. Merritt, the bill was recommitted to the Judiciary Committee.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 122, "An Act appropriating money for the pay of copying done for the Legislature.

C. GILMAN, Clerk.

FEBRUARY 9, 1859.

Assembly bill No. 122, "An Act appropriating money for copying done for the Legislature," was taken up, read first and second times, and referred to the Committee on Public Expenditures.

Mr. Holden, by leave, introduced a bill for "An Act supplemental to, and amendatory of, an Act entitled an Act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this State for school purposes by Act of Congress," passed March third, A. D. one thousand eight hundred and fifty-three—approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the Committee on Public Lands, and the usual number of copies ordered printed.

GENERAL FILE.

Senate bill No. 80, "An Act to allow Berthold Hoen to sell certain real estate," was taken up, read a third time, and passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 100, "An Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claims of D. R. Dale," and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

The following message was received from the Assembly:

Mr. President:—The Assembly, on the seventh of February, one thousand eight hundred and fifty-nine, passed Assembly bill No. 76, an Act to change the name of John August Strombohl, to August William Strombohl;

Also, Assembly bill No. 126, an Act to fix the time of holding the County Court, and Court of Sessions, in Amador County.

C. GILMAN, Clerk.

February 9th, 1859.

Assembly bill No. 76, an Act to change the name of John August Strombohl, to August William Strombohl, was taken up, read first and second times, and referred to a Special Committee, of which Mr. Kirkpatrick is Chairman.

Assembly bill No. 126, an Act to fix the time of holding the County Court, and Court of Sessions, of Amador County, was read first and second times, and referred to the delegation from that District.

FURTHER MESSAGE FROM THE ASSEMBLY.

Mr. President:—The Assembly, on the twenty-second of January, one thousand eight hundred and fifty-nine, adopted Assembly Concurrent-Resolution No. 25, relative to the Washington Monument, and have appointed as a Committee thereunder, on the part of the House, Messrs. Lull, Coleman, and Malarin;

Also, on the seventh of February, concurred in Senate amendment to Assembly substitute for Senate Joint-Resolution No. 12, relative to the establishment of light-houses and fog-bells, in the County of Marin;

Also, on same day, concurred in Senate amendment to Assembly Concurrent-Resolution No. 8, relative to outrages by Mexicans on American Territory;

Also, on same day, passed Senate bill No. 9, an Act to amend an Act concerning the office of Public Administrator of the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six;

Also, on the fifth day of February, concurrent in Senate Concurrent-Resolution No. 20, relative to allowing the Secretary of State to return to their owners, all original papers of claims that have been audited by the Legislature;

Also, passed Senate bill No. 94, an Act providing for holding a special term of the District Court in Del Norte County;

Also, Assembly bill No. 95, an Act fixing the time of holding the Court of Sessions, and the County Court, in the County of Contra Costa;

Also, on the eighth of February, passed Senate bill No. 34, an Act to

provide for the payment of volumes nine and ten of the Reports of the Supreme Court of the State of California;

Also, Senate bill No. 50, an Act amendatory of an Act to change the time of holding the Court of Sessions, and County Court, of the Counties of Los Angeles and Yolo, approved April eighth, one thousand eight hundred and fifty-eight;

Also, Senate bill No. 87, an Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May nineteenth, one thousand eight hundred and fifty-three;

Also, Assembly bill No. 19, an Act concerning roads and highways in the County of Nevada;

Also, with amendments, Senate bill No. 91, an Act submitting to the people of the City and County of Sacramento, a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, in the City of Sacramento.

And refused to concur in Senate Concurrent-Resolution No. 21, relative to Committee on Claims acting jointly on all business referred to them.

C. GILMAN, Clerk.

FEBRUARY 9, 1859.

Assembly Concurrent-Resolution No. 25, "Relative to the Washington Monument," was taken up.

And, on motion of Mr. Burton, concurred in.

Assembly bill No. 95, an Act fixing the time of holding the Court of Sessions and the County Court, in the County of Contra Costa, was taken up, read first and second times, and referred to the delegation from that District.

Assembly bill No. 19, "An Act concerning roads and highways in the County of Nevada," was read first and second times, and referred to the delegation from Nevada County.

Senate bill No. 91, "An Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds, and buildings for the use of the State Agricultural Society, in the City of Sacramento—"

On motion of Mr. Burch, the Assembly amendments were concurred in.

UNFINISHED BUSINESS.

Senate bill No. 43, an Act amending an Act entitled "An Act concerning Jurors," approved May third, one thousand eight hundred and fifty-two, was taken up.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Pacheco, Phelps, and Burch, and taken, with the following result: ayes, 16—noes, 8.

AYES—Messrs. Anderson, Allen, Baker, Bradley, Burton, Dickinson, Denver, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Parker, Phelps, Quinn, and Titus—16.

NOES—Messrs. Berry, Burch, Garter, Grant, Gregory, Merritt, Pacheco, and Parks—8.

So the bill passed.

Senate bill No. 62, an Act to provide for the payment of Jail-keepers in the City and County of San Francisco, was, on motion of Mr. Burton, made the special order of the day for Wednesday, February the sixteenth, at twelve o'clock, M.

On motion of Mr. Burton, the vote by which the Senate concurred in Assembly Concurrent-Resolution No. 25, relative to the Washington Monument, was reconsidered, and resolution laid on the table.

SPECIAL ORDER OF THE DAY.

Senate bill No. 12, an Act to provide for setting apart the homestead, and to protect the same from forced sale, was taken up, and, on motion of Mr. Phelps, made the special order of the day for Friday, February eleventh, at twelve o'clock, M.

FURTHER SPECIAL ORDER OF THE DAY.

"An Act to regulate the creation of homesteads," was taken up, and, on motion of Mr. Phelps, made the special order of the day, for Friday, February eleventh, at twelve o'clock, M.

FURTHER SPECIAL ORDER.

Senate bill No. 59, An Act amendatory and supplementary to an Act entitled "An Act to provide for the registration of marriages, births, divorces, and deaths, in California, approved April twenty-sixth, one thousand eight hundred and fifty-eight," was taken up, and, on motion of Mr. Merritt, made the special order of the day for Thursday, February tenth, at twelve o'clock, M.

President *pro tem.* in the Chair.

On motion of Mr. Anderson, Senate bill No. 38, "An Act amending an Act to regulate proceedings in criminal cases," was taken from the table, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

Mr. Titus, by leave, introduced a bill for "An Act to incorporate the City of Placerville," which was read first and second times, and referred to the El Dorado delegation.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 94, "An Act providing for holding a special term of the District Court, in Del Norte county," and find the same correctly enrolled.

BERRY, Chairmain.

Report accepted.

On motion of Mr. Denver, the Senate adjourned.

Approved.

JOSEPH WALKUP, President Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

THURSDAY, February 10, 1859.

Senate met, pursuant to adjournment.
President in the Chair.
Roll called.
Journals of yesterday read and approved.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the ninth day of February, A. D. one thousand eight hundred and fifty-nine, at one o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 94, "An Act providing for holding a special term of the District Court in Del Norte County."

BERRY, Chairman.

Report accepted.
Also, the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 9, "An Act to amend an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador," approved April twenty-sixth, one thousand eight hundred and fifty-six;

Also, Senate bill No. 34, "An Act to provide for the payment of volumes nine and ten of the Reports of the Supreme Court of the State of California;"

Also, Senate bill No. 50, "An Act amendatory of an Act to change the time of holding the Courts of Sessions and County Courts, in the Counties of Los Angeles and Yolo," approved April eighth, one thousand eight hundred and fifty-eight;

Also, Senate bill No. 87, an Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled "An Act to amend an Act concerning the Courts of Justice of this State, and judicial officers, passed May nineteenth, one thousand eight hundred and fifty-three;"

And find the same correctly enrolled.

BERRY, Chairman.

Mr. Titus, from the El Dorado delegation, made the following report:

MR. PRESIDENT:—The delegation from El Dorado, to whom was referred Senate bill No. 105, "An Act to incorporate the City of Placerville, having had under consideration the same, report the same back, without amendment, and recommend its passage.

I. S. TITUS,
WM. B. DICKINSON,
S. F. HAMM,
A. ST. CLAIR DENVER.

Report accepted, and, with bill, placed on file.

COMMUNICATION FROM THE SURVEYOR-GENERAL.

The following communication was received from the Surveyor-General:

STATE OF CALIFORNIA, STATE LAND OFFICE,
Sacramento, February 5, 1859.

To the Honorable the President of the Senate:

I have the honor to transmit, herewith, estimates of the contingent expenses of the Surveyor-General's Office, and State Land Office, for the eleventh fiscal year.

Very respectfully,
H. A. HIGLEY,
Surveyor-General and Register of Land Office.

Estimate of the Contingent Expenses of the State Land Office, for the Eleventh Fiscal Year.

Salary of Clerk	$2,400
Record Books, Stationery, Postage, etc	700
Total	$3,100

H. A. HIGLEY, Register.

Estimate of the Contingent Expenses of the Surveyor-General's Office, for the Eleventh Fiscal Year.

Salary of Draughtsman	$2,400
Office Rent	840
Purchase from U. S. Surveyor-General's office	500
Copying same	250
Wages of Porter	300
Purchase and repair of Instruments	100
Contingents, Stationery, Fuel, Lights, Postage, etc	800
Total	$5,390

H. A. HIGLEY, Surveyor-General.

Communication and accounts referred to Committee on Finance.

INTRODUCTION OF BILLS.

Mr. Burton, by leave, introduced a bill for "An Act to amend an Act entitled an Act to create the office of State Printer, define the duties and compensation thereof, and provide for the time and manner of election, approved May first, eighteen hundred and fifty-four."

Which was read first and second times, and referred to the Committee on Printing.

Mr. Holden, by leave, introduced a bill for an Act to amend an Act entitled "An Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, eighteen hundred and fifty eight."

Which was read first and second times, and referred to the Committee on Swamp Lands.

Mr. Holden, by leave, introduced a bill for an Act "defining the duties of the Surveyor-General of this State, in relation to swamp and overflowed lands."

Which was read first and second times, and referred to the Committee on Swamp Lands.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 136, "An Act to extend the time for collecting taxes in the County of Napa."

Also, Senate bill No. 54, "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this State."

Also, concurred in Senate Concurrent-Resolution No. 16, "relative to the boundary-line between California and Utah."

Also adopted Assembly Concurrent-Resolution No. 23, "relative to reviving and continuing pre-emption laws."

C. GILMAN, Clerk.

FEBRUARY 10, 1859.

Assembly bill No. 136, "An Act to extend the time for collecting taxes in the County of Napa," was taken up, read first and second times, rules further suspended, read a third time, and passed.

Assembly Concurrent-Resolution No. 23, relative to reviving and continuing pre-emption laws, was, on motion of Mr. Holden, concurred in.

Mr. Holden offered the following Concurrent-Resolutions, which were adopted.

CONCURRENT-RESOLUTIONS IN RELATION TO SWAMP AND OVERFLOWED LANDS.

Whereas, Many tracts of land belonging to the State, by virtue of the Act of Congress of September twenty-eighth, eighteen hundred and fifty, have been sold by this State as swamp and overflowed lands; *And whereas*, the same lands are now offered for sale by Proclamation of the President; *And whereas*, under the said Proclamation the Registers and Receivers are required not to sell swamp and overflowed lands: Therefore:

Resolved, By the Senate, the Assembly concurring, that the Surveyor-General of this State be requested to furnish the Registers and Receivers of each of the Land Offices of this State with a list of the swamp and overflowed lands in their various Land Districts, offered for sale by the President's Proclamation.

Resolved, That the Registers and Receivers of the Land Offices in this State be, and they are hereby, requested to withhold the said lands designated in said lists as swamp lands, from sale, until further instructions be received from the Department at Washington.

Resolved, That his Excellency, the Governor, be requested to furnish each of the United States Land Offices in this State a copy of these resolutions.

Mr. Redman gave notice that he would introduce, at an early day, a bill for "An Act amendatory of, and supplementary to, an Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five."

Mr. Garter gave notice that he would, on to-morrow, or as soon thereafter as practicable, introduce a bill entitled "An Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluffs, to certain parties therein named."

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 96, an Act to authorize the location of the Town of Crescent City;

Also, Senate bill No. 93, "An Act for the conveyance of mining-claims;" And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

On motion of Mr. Burton, the Chairman of the Committee on Engrossed Bills was allowed to withdraw Senate bill No. 93, "An Act for the conveyance of mining-claims," to have the same correctly engrossed.

Mr. Thom offered the following resolution:

Whereas, It is the deliberate opinion of many eminent jurists, that a portion of the property of the Federal Government, lying within the jurisdiction of the State of California, is a subject of taxation by this State, Now, therefore, be it, by the Senate:

Resolved, That the Attorney-General be requested, and the Judiciary Committee of the Senate instructed, to consider and report, separately, at their earliest convenience, on the following propositions:

First—Whether the public lands of the Federal Government, in California, are subject to taxation by the State.

Second—In what manner such taxation can be assessed and laid, without disturbing the rights of the occupants and holders of such lands, and without interfering with titles issued or granted by the Government of the United States, or the speedy sale of the public lands.

Third—In what manner the question of the right of the State to tax these lands may be made, and taken to the Supreme Court of the United States, and the right determined.

Pending which, the hour having arrived for the

SPECIAL ORDER OF THE DAY,

Senate bill No. 59, "An Act amendatory of, and supplementary to, an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight, was taken up, and considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

On motion of Mr. Anderson, the third section of the bill was stricken out.

On motion of Mr. Anderson, the bill was ordered engrossed, and read a third time.

FURTHER SPECIAL ORDER.

Senate bill No. 41, an Act in relation to the assignment of rights in action, and evidence of such assignment and notice thereof, was taken up, and considered in Committee of the Whole.

MESSAGES FROM THE GOVERNOR.

Pending which, the following message was received from the Governor, which was referred to the Committee on Finance:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 9, 1859.

To the Senate of California:

In compliance with the resolution adopted by your honorable body, on the first instant, I subjoin an estimate of the contingencies of the Governor's office, for the next fiscal year.

Contingent Expenses of Office	$900 00
Special Appropriation, to be expended at discretion of the Governor	5,000 00

JOHN B. WELLER.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 9, 1859.

To the Senate of California:

I have, this day, approved an Act providing for holding a special term of the District Court, in Del Norte County.

JOHN B. WELLER.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the seventh instant, passed Assembly bill No. 82, "An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City of San Francisco, and to consolidate the Government thereof;"

Also, Assembly bill No. 88, an Act allowing compensation to the Coroner of the City of San Francisco, for certain services.

C. GILMAN, Clerk.

FEBRUARY 10th, 1859.

Assembly bill No. 82, "An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish

the boundaries of the City and County of San Francisco, and to consolidate the Government thereof," was taken up, read first and second times, and referred to the San Francisco and San Mateo delegations.

Assembly bill No. 88, "An Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services," was read first and second times, and referred to the San Francisco and San Mateo delegation.

Consideration of Senate bill No. 41, "An Act in relation to the assignment of rights in action, and evidence of such assignment, and notice thereof," was resumed in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

Mr. Merritt, by leave, presented a petition from the Chamber of Commerce of San Francisco, which was, on motion of Mr. Merritt, laid on the table.

GENERAL FILE.

Senate bill No. 105, "An Act to incorporate the City of Placerville"—

On motion of Mr. Titus, the rules were suspended, bill considered engrossed, read a third time, and passed.

Consideration of resolution relative to the taxation of the property of the Federal Government, was resumed.

Mr. Thom moved for a call of the Senate, which was adopted.

Roll called.

Absent—Messrs. Denver, Garter, Grant, Gregory, Hart, Pacheco, and Quinn.

The Sergeant-at-Arms was dispatched for absentees.

Messrs. Hart and Pacheco, appearing at the Bar of the Senate, were, on motion of Phelps, admitted within the Bar, and excused.

Mr. Phelps moved that further proceedings under the call be dispensed with.

Which was lost.

Messrs. Gregory and Garter appearing at the Bar of the Senate, were, on motion of Mr. Pacheco, admitted within the Bar, and excused.

Mr. Denver appearing at the Bar of the Senate, was, on motion of Mr. Holden, admitted within the Bar, and excused.

Mr, Thom moved that further proceedings under the call be dispensed with.

Which was lost.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, have examined Senate bill No. 91, "An Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, in the City of Sacramento," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Further consideration of the resolutions relative to taxation of property of the Federal Government resumed.

Mr. Thom moved to make the resolutions the special order of the day for Tuesday, the first day of March next.

Which was lost.

Mr. Garter moved that the words Judiciary Committee, where appearing in the resolutions, be stricken out.

Which was lost.

The question being upon the indefinite postponement of the resolutions, the ayes and noes were demanded by Messrs. Burch, Grant, and Thom, and taken, with the following result: ayes, 21—noes, 6:

AYES—Messrs. Anderson, Allen, Baker, Berry, Bradley, Burch, Burton, Denver, Garter, Grant, Gregory, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Merritt, Quinn, Redman, Thom, and Titus—21.

NOES—Messrs. McDonald, Pacheco, Parks, Parker, Phelps, and Williams—6.

So the resolution was indefinitely postponed.

Mr. Thom gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Gregory, by leave, made the following motion:

That a Committee of five be appointed to ascertain whether it is possible to enforce the thirteenth section of the eleventh article of the Constitution of the State of California.

Mr. Anderson moved to amend by striking out five, and inserting one.

Which was lost.

The question being on the adoption of the motion of Mr. Gregory, the ayes and noes were demanded, by Messrs. Thom, Gregory, and Bradley, and taken, with the following result: ayes, 7—noes, 20:

AYES—Messrs. Grant, McDonald, Pacheco, Parker, Phelps, Thom, and Williams—7.

NOES—Messrs. Anderson, Allen, Baker, Berry, Bradley, Burch, Burton, Denver, Garter, Gregory, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Merritt, Parks, Quinn, Redman, and Titus—20.

So the motion was lost.

Mr. Gregory gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

On motion of Mr. Holden, the Senate adjourned.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

FRIDAY, February 11, 1859.

Senate met, pursuant to adjournment

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—YORR Committee on Public Expenditures, to whom was referred Assembly bill No. 122, being "An Act entitled an Act appropriating money for the pay of copying done for the Legislature," have had the same under consideration, and beg leave to report the bill back to the Senate, without amendment, and recommend its passage.

THOM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Ketcham, Chairman of the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred the petition of P. Steele, praying the Legislature to memorialize Congress to donate to the Counties the waste mountain lands lying within their borders, have had the same under consideration, and would respectfully report that your Committee are of the opinion that, so long as the General Government does not interfere with the present rights of the miners and agriculturists to the occupation of public lands in the mountain districts, it would be bad policy to call the attention of Congress to the subject of the disposal of those lands in any way whatsoever. Improvements are being made on all the lands above alluded to, that would be of any value to the Counties, and those improvements are contributing their just proportion of the revenue of both County and State. The donation desired by the petitioner would give the Counties control over the mineral lands, from the fact that it would be impossible to ascertain that they were not such lands before the donations were made; and your Committee are of the opinion that such control would be detrimental to the best interests of the State. For these, and other reasons, your Committee recommend that the request of the petitioner be not complied with.

The Committee have also had under consideration Senate Concurrent-Resolution No. 14, and Messrs. Quinn, Bradley, Dickinson, Berry, and Ballou, report the same back, with the accompanying substitute, and recommend the passage of the substitute.

Messrs. Burton and Ketcham, of the Committee, for good and valid reasons too numerous to mention, recommend the indefinite postponement of both the original resolution and the substitute.

KETCHAM, Chairman.

Report accepted, and, with resolution, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 38, "An Act to amend an Act to regulate proceedings in civil cases;"

Also, Senate bill No. 86, "An Act to amend an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Fran-

cisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six;"

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Phelps, from the San Mateo and San Francisco delegations, made the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 88, "An Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services, have had the same under consideration, and report the bill back, without amendment, and recommend its passage.

PHELPS, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Denver, from the El Dorado delegation, made the following report:

MR. PRESIDENT:—The delegation from El Dorado County, to whom was referred Senate bill No. 95, entitled "An Act amendatory of, and supplementary to, an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries," approved April sixth, one thousand eight hundred and fifty-eight, report the same back, with an amendment, by striking out after the word "each," in the seventh line of section first, the words "and mileage, at the rate of twenty-five cents per mile, for each mile necessarily traveled in attending each session of the Board," and recommend its passage, as amended.

A. ST. C. DENVER, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Kirkpatrick, by leave, introduced the following bill, for "An Act entitled an Act to grant the right to construct a bridge across the Colorado River, at Fort Yuma," which was read first and second times, and referred to the Committee on Roads and Highways.

Mr. Ketcham, by leave, made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 126, have had the same under consideration, and report the same back, and recommend its passage, without amendment.

L. A. KETCHAM,
B. T. BRADLEY.

Report accepted, and, with bill, placed on file.

NOTICES OF BILLS.

Mr. Thom gave notice that he would, at an early day, introduce a bill into the Senate to amend article twelve of the Constitution.

Mr. Dickinson presented the following accounts, which were referred to the Committee on Contingent Expenses:

San Joaquin Republican Newspaper	$11 50
Conner & Primm, mending locks	6 00
Daily Register Newspaper, Sacramento	5 00
Wells, Fargo & Co., one thousand Franks	100 00
Spirit of the Times Newspaper, San Francisco	4 38
Morning Star Newspaper, Sacramento	12 00

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the seventh instant, passed Assembly bill No. 49, an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty;

Also, Assembly bill No. 91, an Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, Yuba, and Nevada;

Also, Assembly bill No. 78, an Act to change the time of holding the County Court, in the County of Marin;

Also, Assembly bill No. 68, an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, one thousand eight hundred and fifty-two;

Also, on the eighth instant, Assembly bill No. 113, an Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco;

Also, Assembly bill No. 123, an Act to provide for the erection of public buildings, in the County of Solano;

Also, Assembly bill No. 109, an Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven;

Also, on yesterday, Assembly bill No. 103, an Act concerning the Board of Supervisors of the County of Tuolumne;

Also, Senate bill No. 96, an Act to authorize the location of the Town of Crescent City;

And indefinitely postponed Senate bill No. 25, an Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto.

C. GILMAN, Clerk.

FEBRUARY 11, 1859.

Assembly bill No. 49, "An Act supplementary to an Act entitled an Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty, was taken up, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 91, an Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, Public Administrator of the Counties of San Luis Obispo, San Diego, Yuba, and Merced, was read first and second times, and referred to the delegation from that District.

Assembly bill No. 78, "An Act to change the time of holding the

County Court in the County of Marin." was read first and second times, rules suspended, bill read a third time, and passed.

Assembly bill No. 68, "An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State," approved April twentieth, one thousand eight hundred and fifty-two, was read first and second times, and, on motion of Mr. Kirkpatrick, referred to the Committee on Public Lands.

Assembly bill No. 113, "An Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco," was read first and second times, and referred to the San Francisco and San Mateo delegation.

Assembly bill No. 123, "An Act to provide for the erection of public buildings, in the County of Solano," was read first and second times, and and referred to the delegation from that District.

Assembly bill No. 109, "An Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven," was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 103, "An Act concerning the Board of Supervisors of the County of Tuolumne," was read first and second times, and referred to the delegation from that District."

GENERAL FILE.

Senate bill No. 38, "An Act amending an Act to regulate proceedings in criminal cases," was taken up, and read a third time, and passed.

Senate bill No. 93, "An Act to provide for the conveyance of mining-claims."

On motion of Mr. Anderson the vote by which the bill was ordered engrossed, and read a third time, was reconsidered.

Mr. Anderson offered the following amendment, which was adopted:

Strike out the word "made," in first line of section first, and insert the word "evidenced." Add, after the word "effect," in seventh line, the words "as *prima facie* evidence of sale."

Mr. Denver offered the following amendment, which was adopted:

Add, after the word "seal," in the last line, the following: "*Provided*, that nothing in this Act shall be construed to interfere with or repeal any lawful rules, regulations, or customs, in the mining districts in this State."

Mr. Phelps offered the following amendment, which was adopted:

Section second—Nothing in this Act shall be so construed as to affect quicksilver mining-claims.

Mr. Burch offered the following amendment, which was lost:

Section third—Conveyances of mining-claims made pursuant to this Act, shall be entitled to record in the office of the County Recorders of this State, in the same manner, and with like force and effect, as if they were duly sealed, and acknowledged.

Pending the consideration of the bill, the hour having arrived for the

SPECIAL ORDER OF THE DAY.

Senate bill No. 15, "An Act to regulate the creation of Homesteads," was taken up.

Pending which, the consideration of Senate bill No. 93 was resumed.

On motion of Mr. Burton, the rules were suspended, bill considered engrossed, and read a third time.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Anderson, and Dickinson, and taken, with the following result: ayes, 19—noes, 7:

AYES—Messrs. Allen, Baker, Bradley, Burton, Carter, Hart, Hamm, Ketcham, Kirkpatrick, McDonald, Pacheco, Parks, Parker, Phelps, Price, Quinn, Redman, Titus, and Williams—19.

NOES—Messrs. Anderson, Burch, Dickinson, Denver, Gregory, Holden, and Merritt—7.

So the bill passed.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills, on February tenth, one thousand eight hundred and fifty-nine, at two o'clock and thirty minutes, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 9, "An Act to amend an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six;"

Also, Senate bill No. 34, "An Act to provide for the payment of Volumes IX and X of the Reports of the Supreme Court of the State of California;"

Also, Senate bill No. 50, "An Act amendatory of an Act to change the time of holding the Court of Sessions, and County Court, of the Counties of Los Angeles and Yolo," approved April eighth, one thousand eight hundred and fifty eight;

Also, Senate bill No. 87, "An Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled an Act concerning the Courts of Justice of this State, and Judicial officers," passed May nineteenth, one thousand eight hundred and fifty-three;

Also, Senate bill No. 91, "An Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, and for other purposes, in the City of Sacramento."

BERRY, Chairman.

Report accepted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor;

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 11, 1859.

To the Senate of California:

I have to inform your honorable body that I have approved "An Act to provide for the payment of Volumes IX and X of the Reports of the Supreme Court of the State of California;"

Also, an Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled an Act to amend an Act concerning the Courts of Justice of this State, and Judicial officers, passed May nineteenth, one thousand eight hundred and fifty-three;

Also, "An Act amendatory of an Act to change the times of holding the

Courts of Sessions, and County Court, of the Counties of Los Angeles and Yolo, approved April eighth, one thousand eight hundred and fifty-eight;"

I also approved, on yesterday, "An Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, and for other purposes, in the City of Sacramento."

JOHN B. WELLER.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following reports were received from the Board of Examiners.

On motion of Mr. Burton, the reports, with accompanying documents, were referred to the Committee on Claims.

OFFICE OF THE BOARD OF EXAMINERS,
Sacramento, February 11, 1859.

To the Senate of California:

I herewith transmit to your honorable body a list of claims against the State, which accrued prior to the first of January, one thousand eight hundred and fifty-seven. They have all been passed upon as equitable claims, and allowed by the Board, as follows, to wit:

R. R. Maurice, for Dry Goods, supplied Insane Asylum in the month of December, 1856	$52 50
O. C. Gage, for Paints, Oil, etc., furnished Insane Asylum in the month of December, 1856	7 50
W. W. Webster, for Merchandise supplied Insane Asylum in the months of August and September, 1856	24 05
Timothy Paige, for Paints, etc., furnished Insane Asylum in the months of October and November, 1856	34 50
G. H. Sanderson, for Groceries and Crockery-ware, supplied in the Insane Asylum in the months of November and December, 1856	63 00
Total amount	$181 55

One hundred and eighty-one dollars and fifty-five cents.

Very respectfully,
Your obedient servant,
JOHN B. WELLER, President Board.

FURTHER COMMUNICATION FROM THE BOARD OF EXAMINERS.

OFFICE OF BOARD OF EXAMINERS,
Sacramento, February 11, 1859.

To the Senate of California:

I transmit, herewith, a list of claims, together with the papers and opinion of the Board of Examiners, in each case. They have all been passed upon as equitable claims, and allowed by the Board, as follows, to wit:

Gray & Hickman, for Blankets, supplied the Insane Asylum in the month of November, 1858	$136 25
R. R. Maurice, for Goods supplied the Insane Asylum, in the month of January, 1857	10 50
O. C. Gage, for Paints and Oils, supplied the Insane Asylum in months of March, May, and November	77 54
W. W. Webster, for Merchandise supplied the Insane Asylum in the months of January, 1857, and March, April, May and November, 1858	106 91
Mary A. Algio, for Work done for the Insane Asylum in the months of October and November, 1858	40 30
Luchsinger & Hubbard, for Mattresses furnished new Madhouses of Insane Asylum in the month of November, 1858	53 44
Volney Cushing, for Castings done for Insane Asylum in the month of April, 1858	78 00
Timothy Page, for Lumber supplied Insane Asylum in the month of November, 1858	268 02
Mills & Doll, for Work done, and material furnished for building, etc., at Insane Asylum, in the months of October and November, 1858	283 93
Geo. H. Sanderson, for Crockery-ware supplied Insane Asylum in the month of January, 1857	10 00
R. P. Lee, Jr., for Services rendered in the examination of Ex-Treasurer McMeans' Books, in the year 1858	896 00
E. Geo. Moreto, for supplying the "Eco del Pacifico," to a member of the Senate of California, in May, 1857	8 50
Total amount	$1919 39

It will be perceived that several of these claims are for supplies furnished during the present fiscal year, and whilst there were funds in the Treasury to meet them; the practice of the Trustees seems to have been to divide the whole amount appropriated for the year by the number twelve, and when the expenses of a particular month exceed this, to send the claims to the Legislature for liquidation. In my opinion the just demands against the Institution should be discharged, as long as there are funds appropriated, and when this is exhausted, the deficiency reported to the Legislature. Under the practice which has obtained, it will, at the end of the year, require considerable calculation to ascertain the actual expense of the Institution.

JOHN B. WELLER, President of Board.

SPECIAL ORDER OF THE DAY RESUMED.

Senate bill No. 15, "An Act to regulate the creation of homesteads," was taken up, considered in Committee of the Whole.

Pending which Mr. Redman moved a call of the Senate.

Which was lost.

Consideration of bill in Committee of the Whole resumed, and amended.

IN SENATE.

Bill reported back, amendments concurred in.

Mr. Burton moved to strike out the tenth section of the bill.

Upon which, the ayes and noes were demanded, by Messrs Burton, Merritt, and Bradley, and taken, with the following result: ayes, 13—noes, 16:

Ayes—Messrs. Anderson, Baker, Berry, Bradley, Burton, Dickinson, Denver, Garter, Hamm, Ketcham, Parks, Phelps, and Williams—13.

Noes—Messrs. Allen, Burch, Grant, Gregory, Hart, Holden, Kirkpatrick, McDonald, Merritt, Parker, Price, Quinn, Redman, Thom, and Titus—15.

So the motion to strike out was lost.

Mr. Anderson moved to strike out the eleventh section of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Anderson, Dickinson, and Burch, and taken, with the following result: ayes, 12—noes, 17:

Ayes—Messrs. Anderson, Baker, Bradley, Burton, Dickinson, Denver, Garter, Hamm, McDonald, Parks, Phelps, and Williams—12.

Noes—Messrs. Allen, Berry, Burch, Grant, Gregory, Hart, Holden, Ketcham, Kirkpatrick, Merritt, Pacheco, Parker, Price, Quinn, Redman, Thom, and Titus—17.

So the motion was lost.

Mr. Burton moved that the rules be suspended, and bill be considered engrossed, and read a third time.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, ——, and Gregory, and taken, with the following result: ayes, 16—noes, 13:

Ayes—Messrs. Allen, Berry, Burch, Dickinson, Grant, Gregory, Hart, Holden, Kirkpatrick, Merritt, Pacheco, Parker, Price, Redman, Thom, and Titus—16.

Noes—Messrs. Anderson, Baker, Bradley, Burton, Denver, Garter, Hamm, Ketcham, McDonald, Parks, Phelps, Quinn, and Williams—13.

So the motion was adopted.

FURTHER SPECIAL ORDER.

Senate bill No. 12, "An Act for setting apart the homestead, and to protect the same from forced sale," was taken up, and, on motion of Mr. Phelps, laid on the table.

GENERAL FILE RESUMED.

Assembly bill No. 122, "An Act appropriating money for the pay of copying done for the Legislature," was taken up, read a third time, and passed.

Substitute for Concurrent Resolutions No. 14, relative to instructing our Senators and requesting our Representatives to use their influence to provide at an early day, for a complete geological and scientific survey of the mineral districts of this State by the General Government, was taken up and adopted.

On motion of Mr. Redman, the word "agricultural" was inserted after the word "mineral."

Mr. Ketchum moved to strike out "mineral," and insert "agricultural."
Which was lost.

The question being upon the passage of the resolutions, the ayes and noes were demanded, by Messrrs. Anderson, Titus, and Burton, and taken with the following result: ayes, 16—noes, 10:

Ayes—Messrs. Allen, Baker, Berry, Bradley, Burch, Denver, Garter, Hamm, Holden, Kirkpatrick, Merritt, Phelps, Quinn, Thom, Titus, and Williams—16.

Noes—Messrs. Anderson, Burton, Grant, Gregory, Hart, Ketcham, McDonald, Pacheco, Parks, and Redman—10.

So the resolution was adopted.

On motion of Mr. Burch, the rules were suspended, to reconsider the vote by which Assembly bill No. 95, "An Act fixing the time of holding the Court of Sessions, and the County Court, in the County of Contra Costa," was referred to Mr. Dent.

On motion of Mr. Burch, the rules were suspended, bill read a third time, and passed.

Mr. Gregory, according to notice given on yesterday, moved to reconsider the vote by which the Senate refused to pass his motion, asking information with regard to the eleventh article of the Constitution.

Pending which, Mr. Phelps moved to lay the motion on the table, which was adopted.

Mr. Thom, according to notice given on yesterday, moved to reconsider the vote by which the Senate indefinitely postponed his resolutions, relative to taxing the property of the General Government.

On motion of Mr. Gregory, the motion was laid on the table.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

W. B. DICKINSON, President of the Senate.

Attest: E. C. Palmer, Secretary of the Senate.

IN SENATE.

Saturday, February 12th, 1859.

Senate met, pursuant to adjournment.
President *pro tem.* in the Chair.
Roll called.
Journals of yesterday read and approved.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate bill No. 54, "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this State;"

Also, Senate bill No. 96, an Act to authorize the location of the Town-site of Crescent City;

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Ballou, of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have examined the accompanying accounts, payable out of the Contingent Fund, and find the same correct.

First Account of Houghton & Co., Papers	$2 50
Second Account of Houghton & Co., Papers	2 50
Account of Wells, Fargo & Co., One Thousand Franks	100 00
Account of Morning Star newspaper	12 00
Account of J. W. Watson, Spirit of the Times	4 38
Account of Conner & Primm, Repairing Drawers	6 00
Account of Connely & Patrick, San Joaquin Republican	11 50

The Committee recommend that the above accounts be allowed by the Senate.

S. A. BALLOU, for Committee.

Report accepted, and, with accounts, placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 58, "An Act to amend an Act entitled an Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty, have had the same under consideration, and report the bill back, amended, and recommend its passage, as amended.

Amend section first, by adding the following to end of section:

Provided, That nothing in this Act shall be so construed as to affect, in any manner, the title to lands now in litigation; nor be construed to limit in any manner the rules of evidence in those cases, whether they be tried before or after the first day of July, one thousand eight hundred and fifty-nine.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Phelps, from the San Mateo and San Francisco delegations, made the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 88, "An Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services," have had the same under consideration, and report the bill back, without amendment, and recommend its passage.

PHELPS, for Delegation.

Report accepted, and, with bills, placed on file.

Mr. Pacheco made the following report:

MR. PRESIDENT:—Your delegation, to whom was referred Assembly bill No. 91, "An Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, Yuba, and Nevada," have had the same under consideration, and report the same back, recommending its passage.

R. PACHECO, for Delegation.

Report accepted, and bill placed on file.

Mr. Denver, by leave, introduced a bill for "An Act appropriating money for the completion of a wagon-road over the Sierra Nevadas."

Which was read first and second times, and referred to the Committee on Internal Improvements.

GENERAL FILE.

Senate bill No. 86, "An Act to amend an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six," was taken up, read a third time, and passed.

Assembly bill No. 88, an Act allowing compensation to the Coroner of San Francisco, for certain services, was read a third time, and passed.

Assembly bill No. 126, "An Act to fix the time of holding the County Court, and Court of Sessions, of Amador County," was read a third time, and passed.

Senate bill No. 111, "An Act amendatory of, and supplementary to, an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries," approved April sixth, one thousand eight hundred and fifty-eight, was ordered engrossed, and read a third time.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed bills have examined Senate bill No. 93, "An Act to provide for the conveyance of mining-claims," and find the same correctly engrossed.

BAKER, Chairman.

Report adopted.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 13, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, one thousand eight hundred and fifty-one;

Also, Senate bill No. 37, an Act amendatory of, and supplemental to, an Act entitled an Act to provide for the sale of the unsold portion of the five hundred thousand acres of land, granted to the State for school purposes, and the seventy-two sections donated to this State for a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 134, an Act fixing the time of holding the Court of Sessions, and County Court, of the County of Nevada;

Also, Assembly bill No. 135, an Act to fund the debt of the county of San Bernardino.

Also, Adopted Assembly Concurrent-Resolution No. 24, relative to the Overland Mail and Salt Lake Route;

Also, on the tenth instant, Assembly bill No. 135, an Act to authorize the sale of the real estate of Joaquin Soto, deceased.

C. GILMAN, Clerk.

FEBRUARY 12, 1859.

Assembly bill No. 134, an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Nevada, was taken up, read first and second times, and referred to the delegation from that District.

Assembly bill No. 135, an Act to fund the debt of the County of San Bernardino, was read first and second times, and referred to the delegation from that District.

Assembly Concurrent-Resolution No. 24, "relative to overland mail and Salt Lake Route," was taken up.

Mr. Holden offered the following amendment, which was adopted:

Insert after the word "route," in the tenth line, the words "also, the route from Kansas City to Stockton."

The resolution, as amended, was adopted.

Report of Committee on Contingent Expenses was taken up, and adopted.

Assembly bill No. 132, an Act to authorize the sale of the real estate of the late Joaquin Soto, deceased, was taken up, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 91, an Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, Yuba, and Nevada, was taken up, and, on motion of Mr. Burton, laid on the table.

Senate bill No. 58, an Act to amend an Act entitled "An Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty, was taken up.

Mr. Kirkpatrick offered the following amendment, which was adopted:

Amend, by inserting "*Provided*, this Act shall not be so construed as in any way to affect mining-claims, ditches, reservoirs, or property for mining purposes."

Mr. Merritt offered the following amendment, which was lost:

"*Provided further*, That nothing in this Act shall be so construed as to affect, in any manner, possession as between parties who claim public lands by no higher title than possesion."

The amendment reported by Judiciary Committee was adopted.

On motion of Mr. Burton, the rules were suspended, bill considered engrossed, read a third time, and passed.

Mr. Kirkpatrick gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly have, this day, passed Senate bill No. 73, an Act to amend an Act entitled an Act to authorize the issuance of duplicates for certain lost school-land warrants.

C. GILMAN, Clerk.

February 12, 1859.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, February 12, 1859.

To the Senate of California:

I have, this day, approved an Act to amend an Act concerning the office of Public Administrators, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six.

JOHN B. WELLER.

Mr. Ballou, of the delegation from Plumas County, made the following report:

Mr. President:—The Plumas delegation herewith report back to the Senate, Assembly bill No. 59, an Act to provide for holding the January Term of the District Court of the Seventeenth Judicial District, in the County of Plumas, and recommend the passage of the same.

S. A. BALLOU, for Delegation.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President;—The Committee on Engrossed Bills have examined Senate Concurrent-Resolutions No. 22, relative to swamp and overflowed lands, and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

On motion of Mr. Parker, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. Palmer, Secretary Senate.

IN SENATE.

Monday, February 14, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of Saturday read and approved.

Mr. Bradley asked and obtained leave of absence for Mr. Ketcham, for one day.

Mr. Price presented a petition from citizens of Sacramento, Yolo, and Solano Counties, relative to the public lands in said Counties.

Which was referred to the Committee on Swamp and Overflowed Lands.

Mr. Parks presented a petition from citizens of Sutter County, relative to a free bridge across Feather River.

Which was laid on the table.

COMMUNICATION FROM THE SUPREME COURT.

Mr. Merritt presented the following report, which was referred to the Committee on Finance.

SUPREME COURT, February 12, 1859.

To the Finance Committee of the Senate:

GENTLEMEN:—In accordance with the resolution of the Senate, a copy of which has been addressed to us, we send you our estimate of amount necessary to be appropriated for the contingent expenses of the Supreme Court for the next fiscal year, commencing July first, eighteen hundred and fifty-nine, and estimate the same at three thousand dollars. We are guided, in this estimate, by the certificate of the Controller of State as to expenses of seven months of the present fiscal year, herein enclosed, and showing that the average for each month is about two hundred and fifty dollars, making the sum total for the year, three thousand dollars. We have inspected all accounts presented for our approval, with great care, and have often had reductions made in the same before certifying to them.

Respectfully yours,

D. S. TERRY, C. J.
JO. G. BALDWIN, J.
S. J. FIELD, J.

The following statement of accounts of the Supreme Court, paid out of the Contingent Fund of said Court, was, on motion of Mr. Burton, referred to the Committee on Public Expenditures:

Statement of accounts paid out of the Contingent Fund of the Supreme Court, from July first, eighteen hundred and fifty-eight, to the eleventh of February, eighteen hundred and fifty-nine, inclusive.

1858.		
July 31..	Paid Samuel Neal, Jr., Porter, (July)	$50 00
Aug. 2...	Paid G. Backus, Stationery	97 50
Aug. 16..	Paid Wm. S. Manlove, Attendance on Court	85 00
Aug. 31..	Paid Samuel Neal, Jr., Porter, (August)	50 00
Sept. 2..	Paid Kirk & Co., Stationery	78 87
Sept. 9..	Paid C. H. McDougall, Cleaning Court-room	8 50
Oct. 4...	Paid Samuel Neal, Jr., Porter, (September)	50 00
Oct. 5...	Paid Post-Office, Sacramento, Box-rent, etc	11 90
Oct. 5...	Paid Clark & Brother, Plumbing	44 00
Oct. 7...	Paid B. C. Newcomb, Table, towels, etc	10 50
Oct. 23..	Paid David Kendall, Stove	10 00
Oct. 25..	Paid Sacramento Mercury, Advertising	11 50
Nov. 1...	Paid Shirley & Co., Crockery	5 75

Nov. 1...	Paid T A. Jackson, Porter, and wood	$25 30
Nov. 1...	Paid Kirk & Co., Stationery	17 75
Nov. 1...	Paid Saml. Neal, Jr., Porter, and binding books	32 00
Nov. 2...	Paid Union Book-store, Stationery	9 75
Nov. 11..	Paid J. Anthony & Co., Advertising	23 00
Nov. 27..	Paid Despecher & Field, Candles	27 00
Nov. 27..	Paid Hooker & Co., Candlesticks	3 00
Dec. 1...	Paid Thos. Sheppard, Porter, (locks)	4 50
Dec. 1...	Paid F. A. Jackson, Porter	54 50
Dec. 2...	Paid G. H. Lovegrove, Stationery	37 00
Dec. 3...	Paid Backus & Co., Stationery	11 00
Dec. 3...	Paid Firderer & Caduc, Coal	76 50
Dec. 6...	Paid J. B. Owens, Lamp-burner	4 50
Dec. 17..	Paid Sacramento Gas Co., Gas	59 44
Dec. 21..	Paid B. C. Newcomb, Chairs etc	30 00
Dec. 31..	Paid T. A. Jackson, Porter	61 25
1859.		
Jan. 3...	Paid G. H. Lovegrove, Stationery	48 50
Jan. 3...	Paid Sacramento Post-Office, Postage	12 10
Jan. 6...	Paid Firderer & Caduc, Coal	54 60
Jan. 8...	Paid Kirk & Co., Stationery	15 00
Jan. 12..	Paid H. H. Bancroft & Co., Stationery	72 00
Jan. 19..	Paid City Water-Works, Water	18 00
Jan. 22..	Paid D. Randall, Repairs to stoves	3 00
Feb. 1...	Paid G. Kelly, Book-stand	56 00
Feb. 2...	Paid W. S. Manlove, Bailiff	200 00
Feb. 5...	Paid F. A. Jackson, Porter	58 25
Feb. 5...	Paid Cook, Mott & Co., Stoves	17 25
Feb. 8...	Paid Firderer & Caduc, Coal	60 75
Feb. 8...	Paid Despecher & Field, Candles	27 00
Feb. 8...	Paid Bancroft & Co., Stationery	147 50
	Total	$1,779 96

Mr. O'Farrell presented a petition from citizens of Sonoma County, relative to the Road Law of that County.

Which was referred to the Committee on Roads and Highways.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the twelfth day of February, A. D. one thousand eight hundred and fifty-nine, at two o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 54, an Act to provide for the relinquishment to the United States, in certain cases, of titles to lands for sites for light-houses, and for other purposes, on the coasts and waters of this State;

Also, Senate bill No. 96, "An Act to authorize the location of the Town-site of Crescent City.

BERRY, Chairman.

Report accepted.

Mr. Holden, of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT;—Your Committee on Swamp and Overflowed Lands have had under consideration Senate bill No. 108, for an Act amending an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight, and recommend the passage of the bill.

HOLDEN, of the Committee.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Grant, by leave, introduced a bill for "An Act authorizing John McDougal, Administrator of the estate of George McDougal, deceased, to convey certain real property."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Garter, pursuant to notice, introduced a bill for "An Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluffs, to certain persons therein named."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Price, pursuant to notice, introduced a bill for "An Act providing for the purchase of State-prison grounds, and the erection of a State-prison thereon."

Which was read first and second times, and referred to the State-prison Committee.

On motion of Mr. Price, the usual number of copies of the bill was here ordered to be printed.

Mr. Redman, pursuant to notice, introduced a bill for "An Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-three.

Which was read first and second times, and referred to the Committee on Education.

On motion of Mr. Holden, the usual number of copies of the bill was ordered to be printed.

Mr. Redman, pursuant to notice, introduced a bill for "An Act to re-incorporate the City of José."

Which was read first and second times, and referred to the Committee on Corporations.

Mr. Denver, by leave, introduced a bill for "An Act to amend an Act entitled an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds, for the payment of the expenses incurred in the suppression of Indian hostilities, in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven; approved March thirtieth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the Committee on Military Affairs.

REPORT.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom were referred Senate Bills numbered 40 and 78, in relation to a sea-wall or bulk-head in the Harbor of San Francisco, have had the same under consideration, and have given to the subject to which they relate, their most careful attention. The Committee have now to report the result of their inquiries, as follows:

First.—That the early construction of an abuttment or bulk-head wall in front of the City of San Francisco, is demanded by the necessities of commerce, and by the best interests of the people of that City, and of the people of this State.

Second.—That said work should be built upon the water-front-line of said City as defined by the Act of the Legislature of this State, approved March twenty-sixth, A. D. one thousand eight hundred and fifty-one.

Third.—That it should be constructed entirely of stone, and of width and strength sufficient to insure the safe erection of brick or stone warehouses, of the first class, upon the immediate front of the City.

Fourth.—That for reasons of public policy it should not be constructed by the State of California—nor by the City and County of San Francisco, as a municipal corporation—but be entrusted to such responsible private hands as will insure the completion of the work without delay.

Fifth.—That, in granting the rights and franchises mentioned in the bills committed to us, the liberality of terms offered to the grantees should, as nearly as may be, be commensurate with the magnitude of the enterprise, and the risks and expense attending its execution. It is unreasonable to expect that capitalists will advance the money required without the well-assured promise of its return, with interest.

Sixth.—That the parties composing the San Francisco Dock and Wharf Company, being already in possession of the greater part of the entire front of the City now most used for commercial purposes, under franchises confirmed by Act of the Legislature—which franchises do not expire for some years to come—it is the opinion of your Committee, (upon proper security being given by said parties,) that the consummation of the work be entrusted to them.

Seventh.—That the provisions of Senate bill No. 78 involve a large extension of the City-front—thus contravening the provisions of the Act of one thousand eight hundred and fifty-one, before referred to, and violating the faith of the State therein pledged, that the water-front-line of the city of San Francisco, as then fixed, should "be and forever remain" such.

There are other objections to this bill, of much force; but that mentioned has been deemed sufficient to justify your Committee in recommending its indefinite postponement.

Upon the whole, then, your Committee approve the general features of Senate bill No. 40, "An Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco," and recommend that the same pass, with the amendments herewith submitted.

J. M. McDONALD, Chairman.
A. S. HART,
E. D. WHEELER,
GILBERT A. GRANT.

AMENDMENTS PROPOSED BY THE COMMITTEE ON COMMERCE AND NAVIGATION TO SENATE BILL NO. FORTY.

In section four, first line, strike out the word "seven," and insert the word "six." In fourth line of same section, after the words "one-third," insert the words "in length."

In section eleven, strike out the words in lines eight and nine, "For the purpose of aiding said Company in the construction of said works, this section shall not take effect for three years after the passage of this Act."

Strike out the whole of section nine, and insert in lieu thereof the following:

"Section nine—Said bulk-head shall be constructed entirely of stone. It shall be made of sufficicent width, at its base, to insure permanency and stability,—and be carried up to ordinary low-water line, with such suitable and proper slopes as to give the requisite width, at that elevation, for base of the upper wall. From ordinary low-water-line, a permanent wall of solid masonry shall be carried up to the top of the bulk-head, the height of which shall correspond with the grade of Pacific Street Wharf. Said upper wall shall be built in the most substantial manner, of such thickness and slopes as to insure its perfect stability; and all of said work shall be performed in strict accordance with the specifications furnished by said Board of Engineers. Suitable culverts, to allow the draining of the streets terminating upon said bulk-head, shall be constructed through the bulk-head, by said Company, as may be directed by the Engineers provided for in section eight of this Act. The space in the rear of said bulk-head shall be filled up, with solid material, to a level with the superior surface of the bulk-head, and to an extent to the rear so that, including the bulk-head, the street shall be one hundred and ten feet in width."

In section thirteen, strike out the word "six," and insert the word "three."

In section fifteen, by inserting in the first line, after the word "whenever," the words "two-thirds of."

In section fifteen, line eleven, add, after the word "wharf," the words "with the right to collect wharfage, dockage, and tolls thereat.

On motion of Mr. Phelps, the usual number of copies of report was ordered to be printed.

Mr. Berry gave notice, that he would, on to-morrow, introduce a bill to authorize the Board of Supervisors of Siskiyou County to transfer certain moneys from the Sinking Fund to the General Fund of said County.

Mr. McDonald, from the Sacramento delegation, made the following report:

MR. PRESIDENT:—The Sacramento Delegation, to whom was referred Senate bill No. 69, have had the same under consideration, and report the bill back, with accompanying amendment, and recommend its passage, as amended.

McDONALD, Chairman of Delegation.

Report accepted, and, with bill, placed on file.

Mr. Burton offered the following resolution, which was adopted:

Resolved, That the Committee on Military Affairs be requested to

inquire into the cause of the present Indian war, in the Northern part of this State, and at whose cost it is conducted; also, the amount of money derived from the military tax, and how expended.

Mr. Burch offered the following resolution, which was adopted:

Resolved, That the Special Committee, to whom were referred certain bills relative to the Sole Trader Act, and to authorize and permit names to be changed, and several Acts to change the names of persons, be instructed to report back to the Senate, on Wednesday next.

Mr. Kirkpatrick introduced a Joint-Resolution granting leave of absence to Stephen J. Field, one of the Judges of the Supreme Court.

Which was read first and second times, rules further suspended, considered engrossed, read a third time, and passed.

Mr. Redman gave notice that he would, on to-morrow, offer an amendment to Standing Rule number Twenty-One, so as to require the Committee on Agriculture to consist of six members.

Mr. Burton offered the following Concurrent-Resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that a Committee, consisting of three from each House, be appointed to examine the vouchers for the issuance of three millions nine hundred thousand dolllar bonds issued by the State Treasurer, and to deface all that are found to be legal.

The President here announced the Committee, in accordance with the above resolution—consisting of Messrs. Phelps, Parks, and Titus.

On motion of Mr. McDonald, the vote by which Assembly bill No. 123, "An Act to provide for the erection of public buildings, in the County of Solano," was referred to Mr. Griffith, was reconsidered.

On motion of Mr. Burch, the rules were suspended, bill read a third time, and passed.

GENERAL FILE.

Senate bill No. 51, an Act amendatory of, and supplementary to, an Act entitled an Act concerning toll-bridges and public ferries, approved April twenty-eighth, one thousand eight hundred and fifty-five, made the special order of the day for Wednesday, February twenty-third, at twelve o'clock, M.

Assembly bill No. 59, "An Act to provide for holding the January term of the Seventeenth Judicial District, in the County of Plumas," was read a third time, and passed.

Senate bill No. 108, an Act amending an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight, was taken up, bill ordered engrossed, and read a third time.

Senate bill No. 69, an Act to attach certain territory to the City of Sacramento, was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

Senate bill No. 40, "An Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco," was taken up, and, on motion of Mr. Grant, made the special order of the day for Thursday, February seventeenth, at twelve o'clock, M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 14, 1859.

To the Senate of California:

I have, this day, approved "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites of light-houses, and for other purposes, on the coast and waters of this State;"

I also approved, on Saturday, February twelfth, one thousand eight hundred and fifty-nine, "An Act to authorize the location of the Town-site of Crescent City."

JOHN B. WELLER.

On motion of Mr. Denver, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

TUESDAY, February 15, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Mr. Anderson asked and obtained indefinite leave of absence, for Mr. Gregory.

Journals of yesterday read and approved.

Mr. Parks presented a petition from the citizens of Sutter County, relative to a free bridge across Feather River.

Which was laid on the table.

REPORTS.

Mr. Burton, of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 29, entitled an Act to change the name of Walter Scott Tarbox, to Walter Scott, have had the same under consideration, and report the bill back, with the recommendation that it be indefinitely postponed. All of which is respectfully submitted.

MERRITT, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT: The Committee on Public Lands have had under consideration Assembly bill No. 68, in relation to possessory actions on the public lands in this State. I am instructed to report the same to the Senate, and recommend its passage, without amendment.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate Concurrent-Resolution No. 16, relative to the boundary-line between California and Utah;

Also, Assembly substitute for Senate Joint-Resolution No. 12, relative to the establishment of light-houses and fog-bells, in the County of Marin;

Also, Senate Concurrent-Resolution relative to allowing the Secretary of State to return to their owners all original papers of claims that have been audited by the Legislature;

Also, Senate Concurrent-Resolution No. 22, relative to swamp and overflowed lands;

And find the same correctly enrolled.

A. ST. C. DENVER, for Committee.

Also, the following:

MR. PRESIDENT:—Your Committee on Enrollment have examined Senate bill No. 13, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases," approved April twenty-ninth, one thousand eight hundred and fifty-one;

Also, Senate bill No. 37, an Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for a seminary of learning;

Also, Senate bill No. 73, an Act to amend an Act to authorize the issuance of duplicates for certain lost school-land warrants;

And find the same correctly enrolled.

A. ST. CLAIR DENVER, for Committee.

Reports accepted.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 109, "An Act to amend an Act concerning Notaries Public," approved April thirtieth, one thousand eight hundred and fifty-seven, have considered the same, and recommend its passage.

Also, Assembly bill No. 132, an Act to authorize the sale of the real estate of the late Joaquin Soto, deceased, and recommend its passage, with amendments, as follows:

Add to section first, as follows: "*Provided*, that no sale made under and by virtue of the power hereby conferred, for a sum less than two-thirds the appraised value of the real estate sold, shall be confirmed by the Court."

Add an additional section:

Section four—Prior to the making of any sale of real estate, under and

by virtue of the power hereby conferred, the executrix and executor herein named shall jointly execute a good and sufficient bond, conditioned as now provided for by law, in such cases, with two or more securities, in double the amount of the appraised value of the real estate sought to sold.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Also, the following:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 114, an Act to authorize John McDougal, administrator of the estate of George McDougal, deceased, to convey certain real estate, have considered the same, and report a substitute therefor, and recommend its passage.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 59, an Act amendatory of, and supplementary to, an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California, approved April twenty-sixth, one thousand eight hundred and fifty-eight, and find the same correctly engrossed.

TITUS, for Committee.

Report accepted, and with bill, placed on file.

Mr. Pacheco, Chairman of the Committee on Agriculture, made a verbal report on Senate bill No. 76, "An Act concerning agricultural societies," reports the same back, with amendments, and recommend its passage, as amended.

Report accepted, bill placed on file.

Mr. Parks, from the Sutter delegation, made the following report:

MR. PRESIDENT:—The delegation from Sutter, to whom was referred Senate bill No. 47, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, beg leave to report a substitute, and recommend the passage of the same.

W. H. PARKS, one of the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Quinn, of the Tuolumne delegation, made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 103, "An Act concerning the Board of Supervisors of the County of Tuolumne," have had the same under consideration, report the bill back to the Senate, without amendment, and recommend its passage.

QUINN, of the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Parker, of the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The San Francisco and San Mateo delegation, to whom was referred Senate bill No. 64, "An Act amendatory of an Act to regulate fees in office in the City and County of San Francisco," have had the same under consideration, report it back, and recommend its indefinite postponement.

PARKER, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. McDonald, of the Sacramento delegation, made the following report:

MR. PRESIDENT:—The Committee composed of the Sacramento delegation, to whom was referred Assembly bill No. 85, have had the same under consideration, and report it back, with accompanying amendments, and recommend its passage, as amended.

McDONALD, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Phelps, of the San Francisco and Mateo delegation, made the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 57, "An Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco, have had the same under consideration, and report the same back, with amendments, and recommend the passage of the bill as amended.

PHELPS, of the Delegation.

Amend section second, by striking out from ninth line the words "except traveling fees or mileage."

Amend section fourth, by inserting after the word "follows," in the fifth line, the following: "One Chief Clerk for the remainder of the present term of office of the County Clerk, and no longer, who shall receive a salary of two hundred and fifty dollars per month."

Amend section fifth, lines thirty-second and thirty-third, by striking out the words "two hundred," and inserting "one hundred and fifty." Also, in same section, strike out all after the word month, in the thirty-seventh line, to and including "annum," in the thirty-ninth line. Also strike out from line forty-first, the word "attorney."

Amend section sixth, line thirteenth, by inserting after the word "the," the words "Recorder or." Also, in line twenty-third, strike out the word "said," and insert "the Recorder or."

Amend section eighth, by striking out of the eleventh and twelfth lines, the words "except the amount received for mileage."

Amend section ninth, by striking out of lines seventh and eighth, the words "except mileage."

Amend section twelfth, line twenty-third, by striking out the word "attorney."

Amend section thirteenth, ——— line, by inserting after the word "the" the word "daily."

Amend section fourteenth, by striking out all after the word "paid," in the eleventh line.

Report accepted, and, with bill, placed on file.

Mr. Thom, of the San Bernardino delegation, made the following report:

MR. PRESIDENT:—Your Special Committee, to whom was referred Assembly bill No. 135, "An Act to fund the debt of the County of San Bernardino," have had the same under consideration, and beg leave to report the bill back to the Senate, with amendments, and, after the adoption of the amendment, recommend its passage.

THOM, for Delegation.

Amend eleventh line, in section fourth, by striking out "ten" and inserting "seven,"

Amend thirteenth line, in section fifth, by striking out "may" and inserting "shall."

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the tenth instant, passed Assembly bill No. 93, an Act to confirm and legalize the tax-lists or assessment-rolls of the County of Marin, for the years one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County;

Also, on the eleventh instant, Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named;

Also, on the twelfth instant, Senate bill No. 27, an Act to authorize the construction of certain wharves;

Also, Senate bill No. 81, An Act for the relief of Elisha Packwood;

Also, Senate bill No. 89, an Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou, approved April twelfth, one thousand eight hundred and fifty-eight.

Also, on the fourteenth instant, Assembly bill No. 44, an Act to amend section 179 of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty;

Also, Assembly bill No. 62, an Act to amend an Act entitled an Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty-seven.

Also, Assembly bill No. 105, an Act legalizing the acts of D. W. Davis;

Also, Assembly bill No. 114, an Act making appropriations for the salaries of Clerks in the State Land Office, from the first day of February to the thirty-first day of June, one thousand eight hundred and fifty-nine;

Also, Assembly Bill No. 124, an Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the county of Monterey;

Also, Assembly bill No 146, an Act to authorize the Board of Supervisors of Marin County to levy a special tax:

Also, Assembly bill No. 151, an Act to change the names of certain persons therein named;

Also, Assembly bill No. 152, an Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to re-issue certain bonds to Erastus Bartlett;

And concurred in Senate amendment to Assembly Concurrent-Resolution No. 24, relative to overland mails on Salt Lake Route.

C. GILMAN, Clerk.

FEBRUARY 15, 1859.

Assembly bill No. 93, "An Act to confirm and legalize the tax-lists or assessment-rolls of the County of Marin, for the years one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County," was taken up, read first and second times, and referred to the delegation from that District.

Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named," was read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 44, an Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 62, an Act to amend an Act entitled an Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty-seven, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 105, "An Act legalizing the acts of D. W. Davis," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 114, an Act making appropriations for the salaries of Clerks in the State Land Office, from the first day of February, to the thirtieth day of June, one thousand eight hundred and fifty-nine, read first and second times, and referred to the Committee on Finance.

Assembly bill No. 124, "An Act to authorize the sale of real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 146, "An Act to authorize the Board of Supervisors of Marin County to levy a special tax," read first and second times, and referred to the delegation from that District.

Assembly bill No. 151, an Act to change the names of certain persons therein named," read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 152, an Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to re-issue certain bonds to Erastus Bartlett, read first and second times, and considered in Committee of the Whole.

IN SENATE.

Reported back, rules further suspended, bill read a third time, and passed.

INTRODUCTION OF BILLS.

Mr. Parks, by leave, introduced a bill for "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals," passed April nineteenth, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Committee on Agriculture.

Mr. McDonald, by leave, introduced a bill for "An Act to amend an Act entitled an Act to provide for the appointment, and prescribe the duties of, guardians," passed April nineteenth, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill for an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May fifteenth, one thousand eight hundred and fifty-four.

Read first and second times, and referred to the Committee on Public Morals.

Mr. Redman, pursuant to notice given on yesterday, offered the following amendment to the Twenty-First Standing Rule of the Senate, which was adopted:

"That Standing Rule number Twenty-One be amended so as to require the Committee on Agriculture to consist of six members."

The Chair here appointed Mr. Phelps on the Committee on Agriculture, in accordance with the motion of Mr. Redman.

Mr. Baker, Chaiman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Joint-Resolution No. 23, granting leave of absence to Stephen J. Field, one of the Justices of the Supreme Court, and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

GENERAL FILE.

Assemby bill No. 29, an Act to change the name of Walter Scott Tarbox to Walter Scott, was taken up.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Burch, Price, and O'Farrell, and taken, with the following result: ayes, 17—noes, 10:

Ayes—Messrs. Anderson, Allen, Baker, Bradley, Garter, Hart, Holden, Ketcham, Kirkpatrick, McDonald, O'Farrell, Parks, Phelps, Quinn, Thom, Titus, and Williams—17.

Noes—Messrs. Ballou, Burch, Burton, Dickinson, Denver, Hamm, Merritt, Pacheco, Parker, and Price—10.

So the bill passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 2, an Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice in this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed

April fifteenth, one thousand eight hundred and fifty-eight, was taken up;

And, with Senate bill No. 103, an Act amendatory of, and supplementary to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight;

Were, on motion of Mr. Burton, made the special order of the day for Monday, February twenty-first, at twelve o'clock, M.

GENERAL FILE RESUMED.

Assembly bill No. 68, "An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, one thousand eight hundred and fifty-two," was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, read a third time, and passed.

Senate bill No. 114, "An Act authorizing John McDougal, administrator of the estate of George McDougal, deceased, to convey certain real property," was taken up, substitute reported by Judiciary Committee adopted, bill ordered engrossed, and read a third time.

Assembly bill No. 109, an Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven, was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Mr. Merritt gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 69, an Act to attach certain territory to the City of Sacramento, and find the same properly engrossed.

BAKER, Chairman.

Report accepted, and, with bill, placed on file.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, adopted Senate Concurrent Resolution No. 22, relative to swamp and overflowed lands."

C. GILMAN, Clerk.

FEBRUARY 15, 1859.

GENERAL FILE RESUMED.

Assembly bill No. 132, an Act to authorize the sale of the real estate of

the late Joaquin Soto, deceased, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Senate bill No. 41, "An Act in relation to the assignment of rights in action, and evidence of such assignment and notice thereof," was read a third time, and passed.

Senate bill No. 76, "An Act concerning agricultural societies," considered in Committee of the Whole, and amendments adopted.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Kirkpatrick moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Berry, and Redman, and taken, with the following result: ayes, 6—noes, 18:

AYES—Messrs. Anderson, Allen, Baker, Hamm, Ketcham, and Merritt—6.

NOES—Messrs. Ballou, Berry, Bradley, Burch, Burton, Dickinson, Garter, Hart, Holden, Kirkpatrick, McDonald, O'Farrell, Parks, Phelps, Price, Quinn, Redman, and Titus—18.

So the motion was lost.

Mr. Burch moved a call of the Senate.

Which was lost.

Mr. Burch gave notice that he would, at an early day, introduce a bill to amend "An Act concerning the salaries of officers of the State, and pay of Members of the Legislature."

Mr. Ballou introduced a Joint-Resolution "relative to survey of boundary-line between the State of California and the Territory of Utah."

Which was read first and second times, and referred to the Committee on Federal Relations.

On motion of Mr. Allen, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary.

IN SENATE.

WEDNESDAY, February 16, 1859.

The Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. McDonald, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 27, "An Act to authorize the construction of certain wharves;"

Also, Senate bill No. 81, an Act for the relief of Elisha Packwood;

Also, Senate bill No. 89, "An Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou," approved April twelfth, one thousand eight hundred and fifty-eight;

And find the same correctly enrolled.

McDONALD, for Committee.

Report accepted.

Mr. Merritt, Chairman of the Committee on Finance, made a verbal report on Senate bill No. 61, an Act concerning the officers of Calaveras County, and the collection of poll-taxes, license-taxes, and foreign-miners' license-taxes, in said County, without recommendation.

Report accepted, and bill placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 58, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty;

Also, Senate bill No. 15, "An Act to regulate the creation of homesteads;"

Also, Senate bill No. 108, "An Act amending an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands in this State," approved April twenty-first, one thousand eight hundred and fifty-eight;"

Also, Senate Concurrent-Resolution No. 21, relative to appointing a Committee from each House, to examine vouchers for the issuance of certain bonds;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

INTRODUCTION OF BILLS.

Mr. Williams, by leave, introduced a bill for "An Act amendatory of, and supplementary to, an Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, of and to which there is a certain Act amendatory and supplementary, approved April eighteenth, one thousand eight hundred and fifty-seven, and of and to which, there is a certain other Act amendatory and supplementary, approved April twenty-fifth, one thousand eight hundred and fifty-seven."

Which was read first and second times, and referred to the delegation from San Francisco and San Mateo.

On motion of Mr. Williams, the usual number of copies of the bill was ordered printed.

Mr. Merritt, of delegation to whom was referred Assembly bill No. 69, an act providing for holding a special term of the District Court in the Thirteenth Judicial District," reported the same back, verbally, and recommended its passage.

On motion of Mr. Merritt, the rules were suspended, bill considered, rules further suspended, bill read a third time, and passed

Mr. Phelps, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Senate bill No. 83, "An Act concerning roads and highways," have had the same under consideration, and report the same back, with accompanying amendments, and recommend the adoption of the amendments, and the passage of the bill, as amended.

PHELPS, Chairman.

Amend section twenty-second, line fourth, by striking out the word "fifteenth," and inserting "first Monday."

Section twenty-sixth, line first, strike out "assessed," and insert "subject."

Section twenty-seventh, lines second and third, strike out the words "the assessed lists," and insert "notice of their appointment."

Also, line fifth, by inserting before the word "all," the word "notify." Also, same line, strike out the word "assessed," and insert the word "subject."

Section twenty-nine, line fifteenth, before the word "shall," insert the word "assessment."

Section thirty-one, add to end of section: "And for the purpose of enforcing the provisions of this Act, overseers shall be clothed with the same powers, subject to the same liabilities, and entitled to the same fees, as a Sheriff of the County in making a sale upon execution."

Section thirty-second, add to the end of the section: "*Provided*, the Board of Supervisors may limit the time allowed to each overseer for the performance of the duties of his office in his district."

Amend section thirty-three, line seven: strike out "one hundred," and insert "fifty." Also, in line sixteen, strike out "felony," and insert "misdemeanor." Also, in line eighteenth, strike out the word "five," and insert the word "one." Also, in line twenty, strike out "one year," and insert "six months."

Section thirty-five, line fifth, strike out the words "or any citizen."

Add the following sections to the bill:

Section thirty-six—Sections twenty-four, twenty-eight, and so much of section twenty-two, of this Act, as requires overseers to report within ten days the names of all persons living within their district, subject to highway-tax, shall not apply to the Counties of Amador, Butte, Calaveras, El Dorado, Klamath, Mariposa, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tuolumne, and Trinity.

Also, in the foregoing counties, overseers shall be paid for the time they shall be actually employed, over the amount of their assessment, an amount, to be fixed by the Board of Supervisors, not exceeding four dollars per day, and all assessments on property, for road purposes, in said Counties, shall be made in cash, not exceeding ten cents on each one hundred dollars of assessable property.

Section thirty-seven—This Act shall not apply to incorporated Towns and Cities.

Section thirty-eight—An Act entitled "An Act concerning roads and highways," passed April twenty-eighth, one thousand eight hundred and fifty-five; also, "An Act concerning roads and highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight; also, "An Act concerning roads and highways in the counties of Tuolumne and Alameda," approved April twenty-sixth, one thousand eight hundred and fifty-eight—are hereby repealed.

INTRODUCTION OF BILLS.

Mr. Denver, by leave, introduced a bill for "An Act to fix the compensation of the Tax-Collector of El Dorado County, and his deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County warrants issued by the County Auditor of said County."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County;

Also, Assembly bill No. 127, an Act to amend an Act entitled an Act concerning attorneys and counselors-at-law, approved February nineteenth, one thousand eight hundred and fifty-one;

Also, Assembly bill No. 160, an Act concerning jurors in Humboldt County;

Also, Assembly Joint-Resolution No. 28, relative to the appointment of a Commissioner for the care of sick, indigent, or destitute immigrants;

And passed Senate Joint-Resolution No. 23, granting leave of absence to S. J. Field, one of the Justices of the Supreme Court.

C. GILMAN, Clerk.

FEBRUARY 16, 1859.

Mr. Grant, by leave, introduced a bill for "An Act relating to the sureties upon the official bond of Henry Bates, late State Treasurer"

Which was read first and second times, and referred to the Committee on Finance.

Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County, was taken up, read first and second times, and referred to the delegations from Amador and Calaveras Counties.

Assembly bill No. 127, "An Act to amend an Act entitled an Act concerning attorneys and counselors-at-law, approved February nineteenth, one thousand eight hundred fifty-one," was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 160, an Act concerning jurors in Humboldt County, was read first and second times, rules further suspended, bill read a third time, and passed.

Assembly Joint-Resolution No. 28, relative to the appointment of a Commission for the care of sick, indigent, or destitute immigrants, was read first and second times, and referred to the Committee on Public Morals.

On motion of Mr. Burch, Senate bill No. 56, an Act to regulate proceedings in civil cases, in the Courts of Justice in this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken from the table, considered in committee of the Whole, and amended.

IN SENATE.

Reported back, bill ordered engrossed, and read a third time.

SPECIAL ORDER OF THE DAY.

Senate bill No. 62, an Act to provide for the payment of Jail-keepers in the City and County of San Francisco, was taken up, considered in Committee of the Whole, and amended.

IN SENATE,

Reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Governor:

OFFICE BOARD OF EXAMINERS,
Sacramento, February 16, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim against the State, passed upon by the Board of Examiners as an equitable claim, viz.: Austin E. Smith, for payment of temporary State Loan Bond No. 645, issued April twenty-eighth, one thousand eight hundred and fifty, for one hundred dollars and six cents, with interest at the rate of three per cent. per month—one hundred and ninety-eight dollars and thirty cents.

JOHN B. WELLER,
President of Board of Examiners.

Communication, with accompanying papers, referred to Committee on Finance.

GENERAL FILE RESUMED.

Senate bill No. 59, an Act amendatory of, and supplementary to, an Act to provide for the registration of marriages, births, divorces, and deaths, in California, approved April twenty-sixth, one thousand eight hundred and fifty-eight, was taken up.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Titus, Bradley, and Burch, and taken, with the following result: ayes, 15—noes, 9:

AYES—Messrs. Anderson, Allen, Baker, Bradley, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Merritt, Parker, Price, Quinn, Titus, and Williams—15.

NOES.—Messrs. Ballou, Burch, Burton, Dickinson, Denver, Garter, O'Farrell, Parks, and Phelps—9.

So the bill passed.

Mr. Burton in the Chair.

Senate bill No. 69, an Act to attach certain territory to the City of Sacramento, was read a third time, and passed.

Senate bill No. 64, an Act amendatory of an Act to regulate fees in office in the City and County of San Francisco, was taken up, and, on motion of Mr. O'Farrell, made the special order of the day for Wednesday, twenty-third of February, at twelve, M.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 166, an Act to authorize the Board of Supervisors of Alameda County to levy a tax for school purposes.

C. GILMAN, Clerk.

FEBRUARY 16, 1859.

Assembly bill No. 166, an Act to authorize the Board of Supervisors of Alameda County to levy a tax for school purposes, was taken up, read first and second times, and referred to delegation from that District.

President *pro tem.* in the Chair.

Assembly bill No. 57, an Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco, was taken up, and, on motion of Mr. O'Farrell, made the special order of the day for Wednesday, February twenty-third, at twelve o'clock, M.

Assembly bill No. 85, substitute for Assembly bill No. 1, "An Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, bill read a third time, and passed.

Assembly bill No. 103, "An Act concerning the Board of Supervisors of the County of Tuolumne," was taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, and bill recommitted to the delegation from that District.

Assembly bill No. 135, an Act to fund the debt of the County of San Bernardino, was considered in the Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee of the Whole concurred in, bill read a third time, and passed.

Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor"—

Mr. Parks moved to lay the bill on the table.

Which was lost.

On motion of Mr. Allen, the bill was made the special order of the day for Friday, February eighteenth, at twelve o'clock, M.

Senate bill No. 15, "An Act to regulate the creation of homesteads," on motion of Mr. Pacheco, was laid on the table.

Senate bill No. 83, an act concerning roads and highways, was, on motion of Mr. Holden, made the special order of the day for Thursday, February twenty-fourth, one thousand eight hundred and fifty-nine, at twelve, M.

Mr. Holden moved that the Senate do now adjourn.

Lost.

Mr. Burch, by leave, introduced a bill for "An Act concerning the office of Sheriff in and for the Counties of Solano and Contra Costa."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Williams, by leave, introduced a bill for "An Act to provide for a Police Contingent Fund in and for the City and County of San Francisco."

Which was read first and second times, and referred to the San Francisco and San Mateo delegation.

Senate bill No. 61, "An Act concerning official bonds of County officers in the County of Colusa," was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Holden offered the following resolution, which was adopted:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to employ a Clerk, at a salary of eight dollars per day, payable out of the Contingent Fund of the Senate.

On motion of Mr. Price, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

THURSDAY, February 17, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Burch presented a petition from the Board of Supervisors of Trinity County, relative to the collection of taxes in said County for hospital purposes.

Mr. Williams presented a petition from the Chamber of Commerce, of the City and County of San Francisco, protesting against the passage of any law, granting certain parties the right to build a bulk head in the harbor of the City and County of San Francisco, until the said harbor has been surveyed by a Board of competent Engineers, which was laid on the table.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 121, "An Act concerning the office of Sheriff, in and for the County of Solano and Contra Costa;"

Also, Assembly bill No. 49, an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty;

Also, Assembly bill No. 62, "An Act to amend an Act entitled an Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty seven." Have had the same under consideration; report the three bills back, and recommend their passage.

Your Committee have also had under consideration, Assembly bill No, 124, "An Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey", and report the same back, amended, and recommend its passage as amended.

Amend section three, line one, by striking out the word "may," and insert "shall."

In fourth line, same section, after the word "proper," insert "in a sum double the appraised value of real estate sought to be sold."

Senate bill No. 98, an Act to amend "An Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State," is herewith reported back, amended, with the recommendation that it pass, as amended.

Amend section first, line ten, by striking out all after the word "section," down to the word "may" in line twelve, and insert in lieu thereof, "at any time during the forty days immediately after the service of summons by publication has been completed, and at any time thereafter when the defendant has not appeared, the notice required by this section."

Senate bill No. 97, "An Act to repeal section two hundred and fourteen of an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one," is reported back, and your Committee recommend that it be indefinitely postponed—Mr. Williams dissenting.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. O'Farrell, of the delegation from Marin County, made the following report:

MR. PRESIDENT:—The delegation from Marin County, to whom was referred Assembly bill No. 93, "An Act to confirm and legalize the tax-list or assessment-rolls of the County of Marin, for the years one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County," have had the same under consideration, and report the same back to the Senate, and recommend its passage, as amended.

Strike out all of section first, after the word "taxes" in the fifteenth line.

Also, have had under consideration Assembly bill No. 146, "An Act to

authorize the Board of Supervisors of Marin County to levy a special tax," and beg leave to report the same back, and recommend its passage.

O'FARRELL, of Delegation.

Report accepted, and, with bills, placed on file.

Mr. Pacheco, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Senate bill No. 119, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals," have had the same under consideration, and report the same back, recommending its passage.

R. PACHECO, Chairman.

Reports accepted, and, with bills, placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures have examined the accounts of the Secretary of the Senate for Journal writing, and copying done, up to the fifteenth of February, A. D. one thousand eight hundred and fifty-nine, and beg leave to present the accompanying report of the number of folios written in the Journal-Book, and for copying done for the Printer, and the amounts allowed for the same, as correct.

THOM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 96, "An Act concerning agricultural societies," and find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Griffith made a verbal report on Assembly bill No. 102, substitute for Assembly bill No. 34, "An Act concerning the County Judge of the County of Solano," recommending its passage.

Bill placed on file.

Mr. Quinn made a verbal report on Assembly bill No. 103, "An Act concerning the Board of Supervisors of the County of Tuolumne," recommending its passage.

Mr. Redman, of the Alameda delegation, made the following report:

MR. PRESIDENT:—The Senator from the Fourth District, to whom was referred Assembly bill No. 166, entitled "An Act to authorize the Board of Supervisors of Alameda County to levy a special tax, for school purposes," has had the same under consideration, and reports the same back, with amendments, and recommends the passage of the bill, as amended.

R. A. REDMAN, of Delegation.

Report accepted, and, with bill, placed on file.

Mr. Parker, of the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred Senate bill No. 123, an Act to provide for a Police Contingent Fund in and for the City and County of San Francisco, have had the same under consideration, and recommend its passage without amendment.

PARKER, for Delegation.

Report accepted, and. with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Wheeler, by leave, introduced a bill for "An Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of the County of Yuba, approved April twenty-second, one thousand eight hundred and fifty-eight.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 106, an Act amendatory of an Act entitled an Act defining the legal distances from each County-seat, to the Capitol, Lunatic Asylum, and State-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 120, an Act to authorize Richard L. Ogden, and his assigns, to run steam-wagons over the roads of this State;

Also, Assembly bill No. 121, an Act to authorize William B. Atterbury administrator of the estate of Martin E. Cooke, to execute certain conveyances;

Also, Assembly bill No. 141, an Act to change the name of Frederick Ferdinand Leidenbinder, to Frederick Ferdinand Leiden;

Also, Assembly bill No. 170, an Act amendatory of an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 172, an Act to authorize Michael Massett to remove the remains of deceased persons;

Also, adopted Senate amendment to Assembly bill No. 132, an Act to authorize the sale of the real estate of the late Joaquin Soto, deceased.

Also, adopted Senate Concurrent-Resolution No. 14, relative to geological survey of this State, by the General Government;

And, Senate Concurrent-Resolution No. 24, relative to appointing a Committee from each House, to examine vouchers for the issuance of certain bonds, and have appointed Messrs. Squires, Gregory, and Taylor, such Committee, on the part of the House;

Also, on the eleventh instant, passed Assembly bill No. 87, an Act to define the boundaries and provide for the organization of Mendocino County.

C. GILMAN, Clerk.

FEBRUARY 17, 1859.

Assembly bill No. 106, ap Act amendatory of an Act entitled "An Act defining the legal distance from each County-seat to the Capitol, Lunatic Asylum, and State-prison," approved April twenty-fourth, one thousand eight hundred and fifty-eight," was read first and second times, and referred to the Committee on Mileage.

Assembly bill No. 120, "An Act to authorize Richard L. Ogden, and his assigns, to run steam-wagons over the roads of this State," was read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 121, "An Act to authorize William B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 141, "An Act to change the name of Frederick Ferdinand Liedenbinder to Frederick Lieden," was read first and second times, and referred to the Committee on Public Expenditures.

Assembly bill No. 170, an Act amendatory of an Act entitled "An Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador," approved April fifth, one thousand eight hundred and fifty-six, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 172, "An Act to authorize Michael Massett to remove the remains of deceased persons," was read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 87, "An Act to define the boundaries and provide for the organization of Mendocino County," was read first and second times, and referred to the Senator from that District.

Mr. Ballou, of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses, report the following accounts as correct, and recommend their allowance by the Senate:

State of California to Sacramento Post-Office	$140 00
To J. Mason, Spirit of the Times	1 75
Morning Star newspaper	6 00

BALLOU, of Committee.

Report accepted, and, with accounts, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined substitute for Senate bill No. 114, "An Act authorizing John McDougal, administrator of the estate of George McDougal, deceased, to convey certain real property," and find the same correctly engrossed.

BAKER, Chairmain.

Report accepted, and, with bill, placed on file.

Mr. Anderson, by leave, introduced a bill for "An Act extending the privileges of the Homestead Law to certain persons."

Read first and second times, and referred to the Judiciary Committee.

Mr. Hart, by leave, introduced a bill for "An Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same."

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

REPORTS.

Mr. Thom, by leave, presented the following report:

Mr. President:—The Committee on Public Expenditures, to whom was referred statement of amounts paid out of the Contingent Fund of the Supreme Court, from July first, one thousand eight hundred and fifty-eight, to the eleventh of February, one thousand eight hundred and fifty-nine, inclusive, have had the same under consideration, and beg leave to report the accounts back to the Senate, as correct, and recommend an appropriation of three thousand dollars, for the contingent expenses of the Supreme Court for the next fiscal year, commencing July first, one thousand eight hundred and fifty-nine.

THOM, Chairman of Committee.

Report accepted.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 122, an Act to fix the compensation of the Tax-Collector of the County of El Dorado, and his deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County warrants issued by the County Auditor of said County, and find the same correctly engrossed.

I. S. TITUS, for the Committee.

Report accepted.

GENERAL FILE.

Report of Committee on Contingent Expenses, relative to the pay of certain accounts, was taken up, and adopted.

Assembly bill No. 108, an Act amending an Act entitled "An Act to provide for the sale and reclamation of the swamp and overflowed lands of this State," was taken up, and, on motion of Mr. Holden, laid on the table.

Mr. Anderson arose to a question of privilege, relative to his remarks censuring the Hon. D. C. Broderick: the report of his speech in the Sacramento Union was not correct; he never said "I do not approve of one act of his since he has been in the United States Senate."

Senate bill No. 40, "An Act in relation to a sea-wall or bulk-head, in the City and County of San Francisco," was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, and bill made the further special order of the day for to-morrow, Friday, February eighteenth, at twelve o'clock, M.

Mr. Burch, by leave, introduced a bill for "An Act fixing the salary of State officers and employés."

Which was read first and second times, and referred to the Committee on Finance.

Mr. Burton, by leave, introduced a bill for "An Act making appropriations for the support of the civil government of the State, for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirteenth day of June, A. D. one thousand eight hundred and sixty, inclusive."

Which was read first and second times, and referred to the Committee on Finance.

Report of Committee on Public Expenditures relative to pay of the Copying Clerks of the Senate, etc., was taken up, and adopted.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 17, 1859.

To the Senate of California:

I approved, on yesterday, "An Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou, approved April twelfth, one thousand eight hundred and fifty-eight;"

Also, "An Act to amend an Act entitled an Act to authorize the issuance of duplicates for certain lost school-land warrants.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 17, 1859.

To the Senate of California:

I transmit, herewith, a copy of a letter addressed to me by the Attorney-General. It will be seen, from his statement, that an appropriation is absolutely necessary, in order to carry on the suits now pending in which the State is a party. Many of these suits were instituted under the direct authority of the last Legislature, although no provision was made for the payment of costs, etc. The Attorney-General has faithfully discharged his duty, but it can scarcely be expected that he will advance money from his own pocket to defray the expenses of these cases.

I know that this officer has been very much embarrassed, during the past year, in consequence of the failure of the last Legislature to make any appropriation to cover costs, etc., and I trust that this subject will receive the prompt attention of your body. The most rigid economy has been practiced in the law department, and it seems to me that the true policy is to appropriate liberally, and hold the Chief to the strictest account for the manner in which the money is expended.

JOHN B. WELLER.

ATTORNEY GENERAL'S OFFICE,
Sacramento, Feb. 16, 1859.

To His Excellency, John B. Weller:

SIR:—On the fourteenth day of May, one thousand eight hundred and

fifty-seven, Henry Bates, State Treasurer, for the use and benefit of the State of California, recovered judgment against Palmer, Cook, et al., for the sum of seventy-two thousand nine hundred and fifty-seven dollars and fifty cents. During the past year, I have spent several weeks in attempting to collect this judgment. I caused an examination to be made of the title of such real estate as the defendants had owned, up to and prior to the judgment, and found that they had conveyed everything to other persons; but, being satisfied that many of the conveyances had been fraudulently made, I caused a large amount of property to be levied upon and sold, and, under the direction of the Board of Examiners, bid it off, in the name of the State, at mere nominal sums. Whether the State will recover the property, or any portion of it, is questionable, as she has to contend with parties, some of whom, in my estimation, are totally devoid of honesty and principle. It is very certain that nothing can be accomplished towards the collection of the judgment without very close attention to the subject. I am willing to do my duty in the premises, if sustained by the Legislature. So far, I have had to operate without money, and, on making examinations supplemental to execution, procuring information, and abstracts of title, have incurred obligations amounting to nearly the sum of five hundred dollars. I am of the impression, from all the information which I have been able to obtain, that, with sufficient money to pay actual costs and expenses, and with the power to pay a percentage upon collections made, for necessary aid, that I can collect a portion, if not all, of the judgment.

Since the adjournment of the last Legislature, I have, as required by Concurrent-Resolution No. 27, with the aid of an able assistant counsel, employed by the Board of Examiners, instituted a number of actions to recover money due the State from auctioneers. Before instituting such actions, we were compelled to employ persons, to ascertain, as nearly as possible, the sums due the State—the auctioneers having refused all information. The liabilities incurred in this manner amount to five hundred and twenty three-dollars, for which I will have to ask an appropriation.

In addition to this sum there is yet due associate counsel a reasonable fee. It has been intimated to me that the auctioneers are willing to make a fair compromise; but I will not take the responsibility of making such an arrangement, without the express authority of the Legislature. At the last session of the Legislature, I asked an appropriation sufficient to pay costs in the prosecution of escheated estates, but such appropriation was not made. Since that time, feeling confident, from the information given, that an estate in San Francisco, worth ten thousand dollars, had escheated, I instituted an action for its recovery. The suit is still pending. The informant advanced the costs, but should be repaid. I repeat my former recommendation, that a fund for the prosecution of escheated estates be provided.

Your Excellency is aware of the fact that the law does not require me to perform much of the services spoken of in this communication, and that is stated in my Annual Report. I have merely done so to save the State from the large expenditures heretofore made for attorney's services, but I must be allowed to say that I will not pay costs for the mere honor of doing the service, and therefore ask that your Excellency transmit this communication to the Legislature, with such recommendation as you may deem proper.

I am, very respectfully, your obedient servant,

THOS. H. WILLIAMS, Attorney-General.

Message, with communication of Attorney-General, referred to the Judiciary Committee.

Mr. Burch, by leave, introduced a bill for "An Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation."

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Wheeler, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

FRIDAY, February 18, 1859.

Senate met, pursuant to adjournment

President *pro tem.* in the Chair.

Roll called.

Mr. Price asked and obtained leave of absence, for Mr. McDonald, for two days.

Journals of yesterday read and approved.

Mr. Williams arose to a question of privilege: several of the newspapers of this State, and especially, the "Alta California," published at San Francisco, of February seventeenth, had, in commenting upon the Act to amend "An Act concerning conveyances," which has passed the Senate, attributed to him improper motives for its introduction. Mr. Williams read a written statement of the Honorable J. G. Baldwin, one of the Justices of the Supreme Court, giving a history of the origin and introduction of the bill.

Mr. Parks presented a petition from citizens of Sutter County, praying the Legislature to pass the bill introduced by Mr. Parks, relative to a free bridge across the Feather River.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the seventeenth day of February, A. D. one thousand eight hundred and fifty-nine, at twelve o'clock, meridian, presented to His Excellency, the Governor, for his approval, Senate bill No. 13, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases," approved April twenty-ninth, one thousand eight hundred and fifty-one;

Also, Senate bill No. 27, "An Act to authorize the construction of certain wharves;"

Also, Senate bill No. 37, "An Act amendatory of, and supplemental to, an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for a seminary of learning," approved April twenty-third, one thousand eight hundred ond fifty-eight;

Also, Senate bill No. 73, "An Act to amend an Act entitled an Act to

authorize the issuance of duplicates for certain lost school-land warrants;"

Also, Senate bill No. 81, "An Act for the relief of Elisha Packwood;"

Also, Senate bill No. 89, "An Act to repeal an Act entitled an Act to extend the time for making the assessment, and collection of taxes, in the County of Siskiyou," approved April twelfth, one thousand eight hundred and fifty-eight.

BERRY, Chairman.

Report accepted.

Mr. Bradley, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 61, "An Act concerning the offices of Calaveras County, and the collection of poll-taxes, license-taxes, and foreign miners' license-taxes, in said County;"

Also, Senate bill No. 126, "An Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of Yuba County, approved April twenty-second, one thousand eight hundred and fifty-eight;"

And find the same correctly engrossed.

B. T. BRADLEY,
I. S. TITUS, } for Committee.

Report accepted.

Also, the following report, which was accepted, and, with bills, placed on file:

MR PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 111, an Act amendatory of, and supplementary to, an Act entitled an Act to extend the term of office of Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers, in certain cases, and establish their salaries, approved April sixth, one thousand eight hundred and fifty-eight, and find the same correctly engrossed.

B. T. BRADLEY,
I. S. TITUS, } for Committee.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of H. T. Booraem, for publishing volume eight of the Reports of the Supreme Court, have had the same under consideration, and beg leave to report the same back, with the following bill, and recommend its passage.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Hamm, Chairman of the Committee on Hospitals, made the following report:

MR. PRESIDENT:—The Committee on Hospitals, to whom was referred Senate bill No. 70, "An Act relating to the indigent sick," having had the same under consideration, beg leave to report it back, and recommend its indefinite postponement;

Also, Senate bill No. 71, "An Act to authorize the establishment of County infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five, and respectfully report it back, and recommend its passage, with certain amendments and additions.

S. F. HAMM,
JOHNSON PRICE,
I. S. TITUS.

Report accepted, and, with bills, placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures, to whom was referred Assembly bill No. 141, "An Act to change the name of Frederick Ferdinand Liedenbinder, to Ferdinand Frederick Lieden, have had the same under consideration, and beg leave to report the bill back to the Senate, without amendment, and recommend its passage.

THOM, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Burton, of the Nevada delegation, made the following report:

MR. PRESIDENT:—The Nevada delegation, to whom was referred Assembly bill No. 19, "An Act concerning roads and highways, in the County of Nevada;"

And, Assembly bill No. 134, "An Act fixing the time of holding the Court of Sessions, and County Court, in the County of Nevada," report the same back, and recommend its passage, without amendment.

BURTON, } of Delegation.
LANSING, }

Report accepted, and, with bill, placed on file.

Mr. Phelps, of the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The San Francisco and San Mateo delegation, to whom was referred Senate bill No. 124, an Act amendatory of, and supplementary to, an Act to repeal the several charters of the City of San Francisco, and to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, have had the same under consideration, and report the bill back, without amendment, and recommend its passage.

PHELPS, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Grant, Chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT:—The Committee on Internal Improvements, to whom was referred Senate bill No. 110, entitled an Act appropriating money for the completion of a wagon-road over the Sierra Nevada, having had

the same under consideration, would respectively submit the following report:

The progress which has been made in developing the immense resources of our State, with the daily evidence that an increase of population on the Pacific Coast is alone necessary to give it a more commanding position in the eyes of the world, and to augment our wealth and advantages, makes it an immediate necessity, in order to encourage permanent settlers to our shores, that we provide for the completion of the wagon-road over the Sierras to Carson Valley; for by the overland routes alone, must we expect that sturdy population—the farmers, mechanics, and miners, who, with their families, will make this State their future permanent home. The Salt Lake, or Central Mail Route, with the rapid progress of the Placerville, Humboldt, and Salt Lake Telegraph Company, has attracted renewed attention to the route. Already, the distance to Salt Lake and other points at the East, has been shortened one hundred miles, by the discovery of the route per Ruby Valley, by the mail contractors, while the same enterprising gentlemen are now engaged in exploring a new route via Walker's Valley and Toocle mountains, which is expected to avoid the deep snow line, and reduce the distance from six hundred and eighty miles to five hundred and sixty miles.

By the fairest estimate, it is generally conceded that two-thirds of the entire overland immigration to this State have traveled the Carson Valley road, and such will probably continue to be the case. The "pass" has been known from the earliest history of the gold period, as the principal emigrant route to California. We find that the survey of Mr. George H. Goddard, under the direction of the Hon. Sherman Day, for a wagon-road over the Sierra Nevada, via Johnson's Pass, was authorized by an Act approved April twenty-eighth, one thousand eight hundred and fifty-five, and at the same time the Legislature appropriated one thousand dollars to build the road, which action was rendered nugatory by the decision of the Supreme Court, that the State was constitutionally unable to increase her debt over three hundred thousand ($300,000) dollars, except by vote of the people, etc., and which objection does not at present exist.

The County of El Dorado has at different periods expended large sums of money towards improving the route, and, during the year one thousand eight hundred and fifty-eight, fifty thousand dollars, the result of a special tax, was expended by Sacramento and El Dorado Counties, nearly completing one-half of the worst portion of the road.

In view of all the premises, we believe that it will be for the direct interest of all portions of the State to render aid to some one of the practicable mountain routes.

We therefore report the bill back, and recommend its passage.

GILBERT A. GRANT, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, from a Special Committee, made the following report:

Mr. President:—The undersigned, a majority of the Special Committee to whom was referred Assembly bill No. 76, "An Act to change the name of John August Stromdohl to August William Stromdohl," have considered the same, and beg leave to report it back, and recommend its passage.

BERRY,
WHEELER,
KIRKPATRICK,
} Committee.

Report accepted, and, with bill, placed on file.

Mr. Dent, of the San Joaquin delegation, made the following report:

Mr. President:—The San Joaquin delegation, to whom was referred Assembly bill No. 46, entitled an Act for the relief of the County Treasurer of the County of San Joaquin, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend its passage.

Amend, by striking out "one hundred and twenty-nine dollars," in the sixth line of section second, and insert "eighty-nine dollars and sixty-one cents;" also, strike out the figures $179, in the seventh line of said section.

G. W. DENT, of San Joaquin Delegation.

Report accepted, and, with bill, placed on file.

Mr. Kirkpatrick, of Joint Committee on Washington Monument, made the following report:

Mr. President:—The Joint Committee, to whom was referred that portion of the Governor's Message relative to the Washington Monument, have had the same under consideration, and beg leave to report the result of their deliberations in the accompanying bill.

KIRKPATRICK,
C. E. THOM,
Committee of Senate.
LOUIS R. LULL,
WM. COLEMAN,
M. MALARIN,
Committee of Assembly.

Report accepted, and, with bill, placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, February 18, 1859.

To the Senate of California:

I have, this day, approved an Act for the relief of Elisha Packwood;

Also, an Act amendatory of, and supplementary to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight.

JOHN B. WELLER.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, passed Assembly bill

No. 49, an Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company;

Also, Assembly bill No. 176, an Act to fix the compensation of the County Judge of Tuolumne County;

Also, Senate bill No. 69, an Act to attach certain territory to the City of Sacramento, for school purposes;

Also, Senate bill No. 100, an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claim of D. R. Dale;

And, concurred in Senate amendments to Assembly bill No. 135, an Act to fund the debt of the County of San Bernardino.

C. GILMAN, Clerk.

FEBRUARY 18, 1859.

Assembly bill No. 149, "An Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company," taken up, read first and second times, rules further suspended, bill read a third time, and passed.

Assembly bill No. 176, "An Act to fix the compensation of the County Judge of Tuolumne County," was read first and second times, and placed on file.

COMMUNICATION FROM THE ATTORNEY-GENERAL.

The following communication was received from the Attorney-General, showing an account of the contingent expenses of his office:

STATEMENT,

Of the Contingent Fund of the Attorney General, from the first of January, A. D. one thousand eight hundred and fifty-eight, to the first of January, A. D. one thousand eight hundred and fifty-nine.

Furniture for Office	$258 10
Postage and Expressage, including Paid-Envelopes, and Box-rent at Post-Office	49 85
Porter's Hire	125 00
Coal	51 50
Gas-Light	5 00
Gas-Fixtures	6 75
Newspapers	48 50
Stationery	28 00
Envelopes	4 50
Ink-Stands	3 75
Ink	2 50
Pens and Pen-Holders	3 75
Pencils	1 00
Paper-Cutter	75
Mucilage	1 25
Paper-Files	2 50
Printing two hundred Circulars to District-Attorneys	5 00
April Term Supreme Court Decisions	1 50
Attorney-General's Sign	12 00

Expenses to Auburn, in prosecuting Henry Bates, defaulting Treasurer	$15 00
Paid for Writing in Attorney-General's Office, from March fifteenth to July first, one thousand eight hundred and fifty-eight	150 00
Expenses to San Francisco, in March, one thousand eight hundred and fifty-eight, to attend to suits where the State was a party, and to examine the question of title to "Water-Lot Property," as required by the Assembly	30 00
Expenses to San Francisco, in October, one thousand eight hundred and fifty-eight, to defend the writ of *mandamus* sued out by John H. McKune, against Governor Weller, and to attend the sales of property of Palmer, Cook & Co., upon executions in favor of the State	34 00
Cash paid for filing Transcripts of Judgment, in San Joaquin County, in the last-named case	5 00
Cash paid as Costs in the Suits against Delinquent Auctioneers	66 04
	$911 24

STATE OF CALIFORNIA,
County of Sacramento, }

Thomas H. Williams, being duly sworn, says that the Contingent Fund of the Attorney-General, during the year one thousand eight hundred and fifty-eight, was expended in the manner hereinbefore stated.

THOS. H. WILLIAMS.

Subscribed and sworn to before me, this seventeenth day of February, one thousand eight hundred and fifty-nine.

[SEAL.] N. R. WILSON, Notary Public.

P. S.—There was no furniture turned over by my predecessor, except one desk, and I was compelled, with that exception, to furnish the office entire.

Respectfully, etc.,
THOS. H. WILLIAMS, Attorney-General.

INTRODUCTION OF BILLS.

Mr. Griffith, by leave, introduced a bill for an Act entitled "An Act authorizing the construction of a line of telegraph from the City of Sacramento to the eastern boundary-line of the State," which was read first and second times, and referred to the Committee on Corporations.

Mr. Price, by leave, introduced a bill for an Act to amend an Act entitled "An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento."

Which was read first and second times, and referred to the delegation from that District.

Mr. Anderson, by leave, introduced a bill for "An Act amendatory of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Griffith, by leave, introduced a bill for "An Act authorizing and empowering the County Recorder of Solano County to transcribe certain records, and to legalize the same."

Which was read first and second times, rules suspended, considered engrossed, bill read a third time, and passed.

Mr. Ketcham introduced a Joint-Resolution relative to a Reform School, etc.

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Holden, Senate bill No. 108, "An Act amending an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight," was taken from the table, and placed on file.

SPECIAL ORDER OF THE DAY.

Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor," was taken up—substitute offered by the delegation adopted.

Bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee adopted, rules further suspended, bill considered engrossed.

Mr. Parks moved a call of the Senate.

Roll called.

Absent—Mr. Kirkpatrick.

On motion of Mr. Burch, further proceedings under the call were dispensed with.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Thom, Allen, and Burch, and taken, with the following result: ayes, 20—noes, 11:

Ayes—Messrs. Anderson, Allen, Berry, Burton, Dickinson, Denver, Garter, Griffith, Hamm, Lansing, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Redman, Thom, Titus, and Williams—20.

Noes—Messrs. Baker, Ballou, Bradley, Burch, Dent, Grant, Hart, Holden, Ketcham, Merritt, and Price—11.

So the bill passed.

Mr. Allen gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Williams, by leave, presented a petition from the Board of Supervisors of the City and County of San Francisco, protesting against the passage of a bill for a bulk-head around the water-front of said City.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 40, "An Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco," was taken up, and, on motion of

Mr. Anderson, made the further special order for Saturday, February nineteenth, at twelve o'clock, M.

On motion of Mr. Ketcham, the vote by which Senate Joint-Resolution, relative to a Reform School, etc., was passed to its third reading, was reconsidered.

On motion of Mr. Thom, Mr. Ketcham was allowed to withdraw the resolution.

Mr. Anderson made a verbal report on Senate bill No. 101, "An Act supplemental to an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three," recommending that the bill be recommitted to the Committee on Corporations, and that the usual number of copies be ordered printed.

Report accepted.

On motion of Mr. Redman, Assembly bill No. 166, "An Act to authorize the Board of Supervisors of Alameda County to levy a special tax for school purposes," was taken from the general file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill read a third time, and passed.

Mr. Ketcham, by leave, introduced a bill for "An Act for the establishment and erection of a State Reform School.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Griffith presented a petition from S. B. Holton & Co., asking the Legislature for a charter to build a wagon-road across the mountains from Cache Creek Cañon to Sulphur Spring Valley, which was laid on the table.

On motion of Mr. Grant, that portion of the Governor's Message relative to the Reform School, etc., was referred to the Judiciary Committee.

On motion of Mr. Anderson, the Senate adjourned.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

SATURDAY, February 19th, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 127, "An Act to amend an Act entitled an Act concerning attorneys and counselors-at-law," approved February nineteenth, one thousand eight hundred and fifty-one;

Also, Assembly bill No. 170, an Act amendatory of an Act entitled an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six;

Also, Assembly bill No. 105, an Act legalizing the acts of D. W. Davis;

Have had the same under advisement, report the three bills back, and recommend their passage.

Senate bill No. 32, an Act to amend an Act defining the time of commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty—a majority recommend that it be indefinitely postponed—Mr. Burch dissenting.

The communication from the Governor, with an accompanying letter from the Hon. T. H. Williams, relative to sureties of Henry Bates, late State Treasurer, your Committee report back, and recommend that they be referred to the Committee on Finance.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following minority report:

MR. PRESIDENT:—The undersigned, minority of the Judiciary Committee, reports in favor of Senate bill No. 32, "An Act to repeal section thirty-one of an Act defining the time of commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty," for the following reasons:

First—The rule, as it exists in other States, and has existed for years past, is sufficiently well settled by the current of decisions, which rule is known and acted upon, notwithstanding this section.

Second—Section thirty-one is in conflict with the understanding of by far the greatest portion of our citizens, including some of our most accurate business men, who are thereby led into error in their business transactions, to their detriment and material loss.

Third—It is a duty of the Legislature to make the law consistent, as far as possible,, with the prevailing opinion or understanding of citizens, as to what the law actually is, and to remove hardships resulting from the rule which declares that "all persons are presumed to know the law."

Fourth—Limitation laws, whilst their object is to afford a necessary repose, are often illiberal in their nature. Section thirty-one changing, as it does, the general rule, being at variance with the understanding and previous experience of our citizens, often misleads the more humane and indulgent creditor, whilst the unscrupulous and wary provide against all repose sought to be secured by the operation of section thirty-one.

For these reasons, the undersigned hope that the Senate will repeal said section thirty-one, and will pass Senate bill No. 32 for that purpose.

BURCH, Chairman.

Report accepted.

Mr. Phelps, of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom

was referred Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named, have had the same under consideration, and report the bill back, without amendment, and recommend its passage.

Your Committee have examined Assembly bill No. 120, an Act to authorize Richard L. Ogden, and his assigns, to run steam-wagons over the roads of this State, and report the bill back, without recommendation.

PHELPS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Hamm, of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage having had under consideration the amount of mileage due each member of the State-prison Committee, ask leave to submit the following report:

Names.	Miles.	Amount.
E. F. Burton	260	$52 00
J. Anderson	260	52 00
J. O'Farrell	260	52 00
J. M. McDonald	260	52 00
E. Garter	260	52 00
S. A. Ballou	260	52 00
W. B. Dickinson	260	52 00

S. F. HAMM, for Committee.

Report accepted, and placed on file.

Mr. O'Farrell, of the Sonoma delegation, made the following report:

MR. PRESIDENT:—The delegation from Sonoma and Mendocino, to whom was referred Assembly bill No. 87, an Act to define the boundaries and provide for the organization of Mendocino County, have had the same under consideration, and report the bill back, recommending its passage, without amendment.

O'FARRELL, of the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 132, "An Act authorizing and empowering the County Recorder of Solano County to transcribe certain records, and to legalize the same;"

Also, Senate bill No. 128, "An Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same;"

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

On motion of Mr. Phelps, Senate bills Nos. 123 and 124 were taken from the file.

Senate bill No. 123, "An Act to provide for a Police Contingent Fund in and for the City and County of San Francisco," was taken up, rules suspended, bill considered engrossed, rules further suspended, bill read a third time, and passed.

Senate bill No. 124, "An Act amendatory of, and supplementary to, an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, of, and to which, there is a certain Act amendatory and supplementary, approved April twenty-fifth, one thousand eight hundred and fifty-seven," was taken up, rules suspended, considered engrossed, rules further suspended, bill read a third time, and passed.

Mr. Hamm, of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage, having had under consideration the amount of mileage due each member of the Special Committee to investigate the affairs of the State Insane Asylum, ask leave to make the following report:

Names.	Miles.	Amount.
Geo. W. Dent	230	$46 00
C. J. Lansing	230	46 00
H. Griffith	230	46 00

S. F. HAMM, of the Committee.

Report accepted, and placed on file.

Mr. Allen moved to reconsider the vote by which Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor," passed on yesterday.

Mr. Ballou moved to lay the motion to reconsider on the table.

Upon which, the ayes and noes were demanded, by Messrs. Dickinson, Parks, and Titus, and taken, with the following result: ayes, 12—noes, 17:

AYES—Messrs. Allen, Baker, Ballou, Burch, Grant, Holden, Ketcham, Merritt, Parker, Phelps, Price, and Williams—12.

NOES—Messrs. Anderson, Berry, Bradley, Burton, Dent, Dickinson, Denver, Garter, Griffith, Kirkpatrick, Lansing, O'Farrell, Pacheco, Parks, Quinn, Redman, and Titus—17.

So the motion was lost.

On motion of Mr. Allen, the motion to reconsider was made the special order of the day for Wednesday, February twenty-third, at twelve o'clock, M.

On motion of Mr. Burton, Assembly bill No. 91, "An Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, Yuba, and

Nevada," was taken from file, considered in Committee of the Whole, and amended.

IN SENATE

Reported back, amendments of Committee adopted, rules suspended, bill read a third time, and passed.

On motion of Mr. Burton, the title was amended by striking out the counties of Yuba and Nevada, and inserting Placer.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, adopted Assembly Concurrent-Resolution No. 33, relative to amendment of Assembly bill No. 166, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

FEBRUARY 19th, 1859.

Assembly Concurrent-Resolution No. 33, "Relative to Assembly bill No 166," the rules were suspended, and resolution adopted.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, concurred in Senate amendment (with amendment) to Assembly bill No. 85, "An Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes," and ask the concurrence of the Senate.

C. GILMAN, Clerk.

FEBRUARY 19, 1859.

Assembly bill No. 85, substitute for Assembly bill No. 1, "An Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes," was taken up, and amendments of Assembly concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
January 19, 1859.

MR. PRESIDENT:—The Assembly, on yesterday, adopted Assembly Concurrent-Resolution No. 30, relative to pay for translating Governor's Message, and other public documents, into the Spanish language

Also, on the fifteenth instant, passed Assembly bill No. 116, "An Act to incorporate the Town of Eureka."

Also, on the seventeenth instant, passed Senate bill No. 122, "An Act to fix the compensation of the Tax-Collector of El Dorado County, and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County warrants, issued by the County Auditor of said County.

C. GILMAN, Clerk.

Assembly Concurrent-Resolution No. 30, "Relative to paying, out of the Contingent Fund of the Senate and Assembly, account for translating Message into Spanish," was taken up.

And, on motion of Mr. Burton, amended by striking out: "Out of the Contingent Fund of the Senate and Assembly," and inserting: "One-

half out of the Contingent Fund of the Senate, and one-half out of the Contingent Fund of the Assembly."

Assembly bill No. 116, "An Act to incorporate the Town of Eureka," was taken up, read first and second times, and referred to the Senator from that District.

On motion of Mr. Kirkpatrick, Senate bill No. 137, "An Act to aid in the erection of the Washington Monument, in the District of Columbia," was taken from file, and made the special order of the day for Tuesday, February twenty-second, at twelve o'clock, M.

Reports of the Committee on Mileage were taken up, and adopted.

SPECIAL ORDER OF THE DAY.

Senate bill No. 40, an Act in relation to a bulk-head, or sea-wall, in the City and County of San Francisco, was taken up.

And, on motion of Mr. Burton, recommitted to the Committee of the Whole.

Bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, and, on motion, the amendments were ordered engrossed, and the bill was made the special order of the day for Thursday, February twenty-fourth, at twelve o'clock, M.

RESOLUTIONS.

Mr. Parker offered the following resolution:

Resolved, That when the Senate adjourns this day, said adjournment shall be until Wednesday next, the twenty-third instant.

Mr. Burton offered the following as a substitute:

Resolved, That the Controller of State be authorized and required to deduct from each Senator's pay, one day's per diem, and draw a warrant for the total amount so deducted on the fund for per diem and mileage of the Lieutenant-Governor and Senators, in favor of the Governor of the State of California, to be forwarded by him to the Treasurer of the Washington Monument Association, to aid in the construction of said Monument.

On motion of Mr. Kirkpatrick, the resolution was made the special order of the day, for Tuesday, February twenty-second, at twelve o'clock, M.

Mr. Ketcham moved that the Senate do now adjourn, upon which the ayes and noes were demanded, by Messrs. Burch, Anderson, and Berry, and taken, with the following result: ayes, 15—noes, 10:

AYES—Messrs. Anderson, Baker, Burch, Burton, Dent, Dickinson, Garter, Grant, Hamm, Ketcham, Kirkpatrick, Merritt, Parks, Redman, and Titus—15.

NOES—Messrs. Allen, Ballou, Berry, Denver, Griffith, Holden, Lansing, Parker, Quinn, and Wheeler—10.

So the motion was adopted.
Approved.

JOSEPH WALKUP, President Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

MONDAY, February 21, 1859.

Senate met, pursuant to adjournment.
The President in the Chair.
Roll called.
Mr. Phelps asked and obtained leave of absence, for Mr. Williams, for two days.
Mr. Grant asked and obtained leave of absence, for Messrs. McDonald and Price, for one day.
Journals of Saturday read and approved.
Mr. Grant presented a petition from Messrs. Shafter and Heydenfeldt, relative to legal services rendered the State of California.
On motion of Mr. Merritt, the petition, with accompanying papers, was referred to the Committee on Claims.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined substitute for Senate Concurrent-Resolution No. 14, relative to a geological survey of this State, by the General Government;
Also, Senate Joint-Resolution No. 23, granting leave of absence to Stephen J. Field, one of the Justices of the Supreme Court;
Also, Senate Concurrent-Resolution No. 24, relative to appointing a Committee from each House, to examine vouchers for the issuance of certain bonds;
Also, Senate bill No. 69, an Act to attach certain territory to the City of Sacramento, for school purposes;
Also, Senate bill No. 100, an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claims of D. R. Dale;
Also, Senate bill No. 122, "An Act to fix the compensation of the Tax-Collector of El Dorado County, and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County Warrants issued by the County Auditor of said County;"
And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Redman, by leave, introduced a bill for "An Act authorizing Solon S. Simonds to construct a canal in Santa Clara County," which was read

first and second times, and referred to the Committee on Commerce and Navigation.

NOTICES OF BILLS.

Mr. Redman gave notice that he would, on Wednesday, February twenty-third, introduce a bill for "An Act supplementary to, and amendatory of, an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same," approved April twenty-first, one thousand eight hundred and fifty-eight.

On motion of Mr. Anderson, the usual number of copies of Senate bill No. 40, an Act in relation to a sea-wall or bulk-head, in the City and County of San Francisco, as amended, was ordered printed.

Mr. Berry gave notice that he would, at an early day, introduce a bill for the permanent location of the State Capital.

GENERAL FILE.

Senate bill No. 114, "An Act authorizing John McDougal, administrator of the estate of George McDougal, deceased, to convey certain real estate," was taken up, read a third time, and passed.

Senate bill No. 111, an Act amendatory of, and supplementary to, "An Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and to establish their salaries," approved April sixth, one thousand eight hundred and fifty-eight, was taken up, read a third time, and passed.

Senate bill No. 110, an Act appropriating money for the completion of a wagon-road over the Sierra Nevada, was taken up, and, on motion of Mr. Dickinson, made the special order of the day for Thursday, February twenty-fourth, at twelve, M.

Senate bill No. 139, "An Act to provide for the payment of Volume VIII of the Reports of the Supreme Court of the State of California," read first and second times, rules suspended, bill considered in Committee of the Whole.

IN SENATE.

Reported back, rules further suspended, bill ordered engrossed, and read a third time.

On motion of Mr. Burch, the vote by which the bill was ordered engrossed and read a third time, was reconsidered.

On motion of Mr. Burch, the rules were further suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 49, "An Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty," was, on motion of Mr. Pacheco, made the special order of the day for Friday, February twenty-fifth, at twelve, M.

Senate bill No. 121, "An Act concerning the office of Sheriff, in and for the Counties of Solano and Contra Costa."

On motion of Mr. Dent, the bill was recommitted to the Senators from the Eighth and Tenth Senatorial Districts.

Assembly bill No. 62, an Act to amend an Act entitled an Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty-seven, was taken up, considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

Assembly bill No. 124, "An Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey," was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, bill read a third time, and passed.

Senate bill No. 98, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State," was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

Senate bill No. 97, "An Act to repeal section two hundred and fourteen of an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken up, and the recommendation of the Judiciary Committee to indefinitely postpone the bill was adopted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 56, an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one;

Also, Senate bill No. 124, an Act amendatory of, and supplementary to, an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, of, and to which there is a certain Act amendatory and supplementary, approved April eighteenth, one thousand eight hundred and fifty-seven, and of and to which there is a certain other Act, amendatory and supplementary, approved April twenty-fifth, one thousand eight hundred and fifty-seven;

Also, Senate bill No. 123, an Act to provide for a Police Contingent Fund, in and for the City and County of San Francisco;

Also, Senate bill No. 62, an Act to provide for the payment of Jail-keepers and Bailiffs, in the City and County of San Francisco;

Also, Senate bill No. 40, an Act in relation to a sea-wall and bulk-head, in the City and County of San Francisco;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

GENERAL FILE RESUMED.

Assembly bill No. 102, substitute for Assembly bill No. 34, "An Act

concerning the County Judge of Solano County," was taken up, bill read a third time, and passed.

Assembly bill No. 62, "An Act to provide for the payment of the Jail-keepers and Bailiffs, in the City and County of San Francisco," was taken up, and, on motion of Mr. Grant, made the special order of the day for Wednesday, February twenty-third, at twelve o'clock, M.

Senate bill No. 56, an Act to amend an Act entitled "An Act to regulate proceedings in civil cases, in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken up, read a third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 21, 1859.

To the Senate of California:

I have, this day, approved "An Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one"

Also, an Act to authorize the construction of certain wharves.

JOHN B. WELLER.

SPECIAL ORDER OF THE DAY.

Senate bill No. 103, "An Act amendatory of, and supplementary to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight," was taken up;

And, with Senate bill No. 2, an Act amendatory of, and supplementary to, an Act entitled "An Act to regulate proceedings in civil cases, in the Courts of Justice in this State, passed April twenty-ninth, one thousand eight hundred and fifty-one," and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight;

Were made the special order of the day for Friday, February twenty-fifth, at twelve o'clock, M.

GENERAL FILE.

On motion of Mr. Parker, Assembly bill No. 48, "An Act to enable poor persons to prosecute and defend suits," was taken from the table, and placed on file.

Assembly bill No. 146, "An Act to authorize the Board of Supervisors of Marin County to levy a special tax"—

On motion of Mr. Burton, the consideration of the bill in Committee of the Whole was dispensed with.

Bill was then read a third time, and passed.

Assembly bill No. 93, "An Act to confirm and legalize the tax-list, or assessment-rolls, of the County of Marin, for the years one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Assembly bill No. 103, "An Act concerning the Board of Supervisors of the County of Tuolumne," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Assembly bill No. 119, an Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals, was taken up.

Pending the consideration of the bill, Mr. Kirkpatrick moved the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, ——, and Titus, and taken, with the following result: ayes, 18—noes, 10:

AYES—Messrs. Anderson, Baker, Ballou, Bradley, Burton, Dent, Denver, Garter, Grant, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Merritt, O'Farrell, Quinn, and Redman—18.

NOES—Messrs. Allen, Burch, Dickinson, Lansing, Pacheco, Parks, Parker, Phelps, Titus, and Wheeler—10.

So the motion was adopted.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

TUESDAY, February 22, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Berry, Chairman of the Committee on Enrolled bills, made the following report:

REPORTS.

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the twenty-first day of February, one thousand eight hundred and fifty-nine, at three o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill, No. 69, an Act to attach certain territory to the City of Sacramento, for school purposes;

Also, Senate bill No. 100, an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claims of D. R. Dale;

Also, Senate bill No. 122, an Act to fix the compensation of the Tax-Collector of El Dorado County, and his Deputies, in certain cases; and to legalize certain orders heretofore made by the Board of Supervisors

of said County, and to order the payment of certain County warrants, issued by the County Auditor of said County.

BERRY, Chairman.

Report accepted.

Mr. Griffith, Chairman of the Committee on Public Printing, made the following report:

MR. PRESIDENT:—The Committee on Public Printing, to whom was referred Senate bill No. 106, "An Act to amend an Act entitled an Act to create the office of State Printer, define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, one thousand eight hundred and fifty-four," have had the same under consideration, and recommend its passage, with the following amendment:

Add, as section second, as follows:

"Section second—This Act shall take effect on the first day of January, A. D. one thousand eight hundred and sixty.

H. GRIFFITH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

SENATE CHAMBER,
February 22, 1859.

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the accounts of the Secretary of the Senate, for copying done, to the twenty-first instant, being up to page three hundred and sixty-six in Senate Journal, and beg leave to present the accompanying report of the number of folios copied in the Journal-Book, and for the Printer, and the amount allowed for the same.

C. E. THOM, Chairman of Committee.

FEBRUARY 21, 1859.

State of California, To E. C. PALMER, DR.,

For copying in Senate Journal-Book, up to page 366 in said Book, 375 folios, at 15 cents per folio	$56 25
For copying Senate bill No. 104, 15 folios, at 10 cents per folio	1 50
Senate bill No. 40, 35 folios, at 10 cents	3 50
Senate bill No. 112, 32 folios, at 10 cents	3 20
Senate bill No. 112, 5 folios, at 10 cents	50
Senate bill No. 117, 11 folios, at 10 cents	1 10
Total	$103 55

Examined, audited, and allowed.

C. E. THOM,
Chairman Committee of Public Expenditures.

Report accepted, and, with accounts, placed on file.

Mr. Burton, of the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Sen-

ate bill No. 131, an Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of July, one thousand eight hundred and sixty, have had the same under consideration, and report the bill back, with amendments, and recommend its passage, as amended.

AMENDMENTS TO APPROPRIATION BILL.

Strike out: "For Porter in the office of Treasurer of State, six hundred dollars."

Insert: "One hundred dollars for contingent expenses, postage, etc., of Superintendent of Public Instruction."

Insert: "Three hundred dollars for pay of Porter in the office of Superintendent of Public Instruction."

Insert: "For postage and expressage in the office of Surveyor-General, one hundred and fifty dollars; and "two hundred dollars for same purpose in Land Office."

For pay of Porter of the Supreme Court, strike out "three hundred dollars," and insert "six hundred dollars."

Insert, after Judges of the Supreme Court, "For pay of Bailiff to the Supreme Court, seven hundred and fifty dollars."

Insert: "For support of State Insane Asylum, sixty thousand dollars."

Insert: "For support of State-prison, at San Quentin, sixty thousand dollars"

E. F. BURTON,
A. ST. CLAIR DENVER,
Of Committee.

SACRAMENTO, February 22, 1859.

Report accepted, and, with bill, placed on file.

On motion of Mr. Burton, the rules were suspended, bill taken from file, and made the special order of the day for Thursday, February twenty-fourth, at one o'clock, P. M.

Mr. Griffith made a verbal report on Senate bill No. 121, "An Act concerning the office of Sheriff, in and for the Counties of Solano and Contra Costa," recommending its passage.

Mr. Wheeler, of the Yuba delegation, made the following report:

MR. PRESIDENT:—The Special Committee, composed of the delegation from Sutter and Yuba, to whom was referred Assembly bill No. 47, "An Act to reduce the salary of the County Judge of Sutter County, having had the same under consideration, herewith report it back, and recommend its indefinite postponement: the reason for this recommendation, without giving any opinion as to the propriety of reducing said salary, is, that the present incumbent has yet some three years to serve, and your Committee deem it quite premature at the present time to fix the salary of his successor.

E. D. WHEELER,
ISAAC ALLEN.

Report accepted, and with bill, placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 22, 1859.

To the Senate of California:

I have been requested by Mrs. M. G. Blanding, of San Francisco, to transmit, to your honorable body, the enclosed "Appeal of the Ladies Mount Vernon Association, to the people of the State of California." This is an appeal to the gallantry, as well as to the patriotism of our citizens, and I take pleasure in presenting it on the anniversary of the birth of that illustrious man whose remains these ladies are now attempting to take in charge. I am sure Californians will aid in this noble and patriotic work.

JOHN B. WELLER.

Message referred to the Committee on Federal Relations.

FURTHER MESSAGE FROM THE GOVERNOR.

OFFICE BOARD OF EXAMINERS,
Sacramento, February 21, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a list of claims which have been passed upon by the Board of Examiners, as equitable claims against the State, and which accrued prior to January the first, eighteen hundred and fifty-seven, viz.:

Woodworth Johnson, for work done to the Insane Asylum, in the month of December, 1856	$20 00
Assignees of J. M. Anderson, D. O. Mills & Co., for services rendered the State in copying, punctuating, and arranging the Journals for the Sixth Session of the Legislature, in 1855	1280 00
John P. Reilly, M. D., for services rendered in Small-pox Hospital, in 1852, and 1853, as Physician and Surgeon	1777 68
O. D. Avaline, for Advertising, and Publishing Proclamations, etc., in 1856, and 1857	
I would respectfully call your attention to the decision of the Board in this case.	

JOHN B. WELLER,
Governor, and President Board of Examiners.

Message, with accompanying papers, referred to Committee on Claims.

Mr. Wheeler offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that this Legislature adjourn *sine die*, on Monday, the fourth day of April next, at two o'clock, P. M.

Mr. Burch moved to strike out fourth, and insert eighteenth.

Mr. Burton called for a division of the question.

The question being upon striking out fourth, was adopted.

Mr. Burton moved to insert eleventh, upon which, the ayes and noes were demanded, by Messrs. Lansing, Baker, and Wheeler, and taken, with the following result: ayes, 17—noes, 10:

Ayes—Messrs. Anderson, Ballou, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Kirkpatrick, and Lansing—17.

Noes—Messrs. Baker, Garter, McDonald, Merritt, O'Farrell, Parks, Quinn, Redman, Titus, and Wheeler—10.

So the motion was adopted.

Mr. Thom moved to amend by striking out "eleventh of April," and inserting "the thirty-first of March."

Which was lost.

Mr. Anderson moved to amend, by striking out "two o'clock," and inserting "twelve o'clock."

Which was lost.

Mr. Anderson moved to amend by striking out "two o'clock," and inserting "one o'clock."

Lost.

Resolution, as amended, was adopted.

Mr. Merritt presented a petition from citizens of Tulare County, setting forth that they had incurred great expense, necessary on the organization and support of new Counties, which expense had increased beyond their usual revenue, and wish a law passed funding the debt of said County.

Mr. Merritt, by leave, introduced a bill for "An Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty.

Which was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Assembly:

Mr. President:—The Assembly, on Saturday, February nineteenth, passed, with amendments, Senate bill No. 61, an Act concerning the officers of Calaveras county, and the collection of poll-taxes, license-taxes, and foreign miners license-taxes, in said county;

Also, Senate bill No. 105, an Act to incorporate the City of Placerville.

C. GILMAN, Clerk.

February 21, 1859.

Senate bill No. 61, an Act concerning the officers of Calaveras County, and the collection of poll-taxes, license-taxes, and foreign miners' license-taxes, in said County, was taken up, and amendments of the Assembly concurred in.

GENERAL FILE.

Senate bill No. 119, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals," was taken up, and, on motion of Mr. Parks, laid on the table.

Assembly bill No. 127, "An Act to amend an Act entitled an Act concerning attorneys and counselors-at-law," approved February nineteenth,

one thousand eight hundred and fifty-one, was considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

Assembly bill No. 170, "An Act amendatory of an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six," was taken up, read a third time, and passed.

Assembly bill No. 105, "An Act legalizing the acts of D. W. Davis," was considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

Senate bill No. 32, "An Act to amend an Act defining the time of commencing civil actions," passed April twenty-second, one thousand eight hundred and fifty, was considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Burch, made the special order for Saturday, February twenty-sixth, at twelve o'clock, M.

Communication from Attorney-General, relative to moneys paid out by him, in defending certain suits wherein the State was a party thereto, was referred to the Committee on Finance.

Assembly bill No. 134, "An Act fixing the time of holding the Court of Sessions, and County Court, in the County of Nevada"—

On motion of Mr. Burton, the rules were suspended, and the consideration of the bill in Committee of the Whole was dispensed with.

The bill was then read a third time, and passed.

Assembly bill No. 19, "An Act concerning roads and highways, in the County of Nevada,"—

On motion of Mr. Burton, the rules were suspended, and the reading of the bill in Committee of the Whole dispensed with.

The bill was then read a third time, and passed.

Assembly bill No. 141, an Act to change the name of Frederick Ferdinand Liedenbinder, to Frederick Ferdinand Lieden, was, on motion of Mr. Burton, laid on the table.

Assembly bill No. 176, "An Act to fix the compensation of the County Judge of Tuolumne County,"—

On motion of Mr. Quinn, the rules were suspended, and the reading of the bill in Committee of the Whole dispensed with.

The bill was then read a third time, and passed.

Assembly bill No. 46, "An Act for the relief of the County Treasurer of the County of San Joaquin," was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of the Committee concurred in, bill read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 137, "An Act to aid in the erection of the Washington

Monument, in the District of Columbia," was taken up, read first and second times, rules further suspended, bill considered engrossed, and read a third time.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Merritt, Titus, and O'Farrell, and taken, with the following result: ayes, 30—noes, none:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Price, Quinn, Thom, Titus, and Wheeler—30.

NOES—None.

So the bill passed.

On motion of Mr. Quinn, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary.

IN SENATE.

WEDNESDAY, February 23, 1859.

The Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. O'Farrell presented a petition from citizens of Mendocino County, praying the Legislature to pass a law organizing said County.

Which was referred to the Committee on Counties and County Boundaries.

REPORTS.

Mr. Merritt, of the Committee on Finance, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 125, an Act relating to the sureties on the official bonds of Henry Bates, late State Treasurer, have had the same under consideration, and report, that in discharge of the duty assigned them, they have made diligent inquiries as to the means which the said sureties have of paying the demand, or claim, which the State of California has against them, and from the result of those inquiries, and from the sworn statements before the Committee, they are entirely convinced that no amount of money can be made out of their property and effects equal to the expenses of the necessary legal proceedings. They are of the opinion that no fancied views of the public good can justly or wisely exact an unnecessary and unprofitable sacrifice and ruin of any of the citizens of the State.

They are further of the opinion, that there can be little, if any, danger of establishing any evil or dangerous precedent by the passage of the bill, for it is to be hoped that a state of things like those surrounding the present subject-matter will not again occur in the history of our State.

The Committee think that, under the circumstances of the case, the

release of said sureties is authorized, both by political and moral right, and abundant precedents; therefore, we report the bill back, amended, so as to read—against them, or any of them—with the recommendation, that it do pass, as amended.

MERRITT, Chairman.
DENVER,
DENT,
BURTON.

FEBRUARY 23, 1859.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 139, "An Act to provide for the payment of volume eight of the Reports of the Supreme Court of the State of California," and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Redman, pursuant to notice, introduced a bill for "An Act supplementary to, and amendatory of, an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, one thousand eight hundred and fifty-eight."

Which was read first and second times, rules further suspended, bill considered in Committee of the Whole.

IN SENATE.

Reported back, bill ordered engrossed, and read a third time.

GENERAL FILE.

Report of the Committee on Public Expenditures, relative to pay of the copying done for the Senate, was taken up, and adopted.

Assembly bill No. 87, "An Act to define the boundaries and provide for the organization of Mendocino County," was taken up, and, on motion of Mr. O'Farrell, made the special order of the day for Friday, February twenty-fifth, at twelve o'clock, M.

Assembly bill No. 76, "An Act to change the name of John August Stromdohl to August William Stromdohl," was considered in Committee of the Whole.

IN SENATE.

Reported back.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Berry, Garter, and Parker, and taken, with the following result: ayes, 17—noes, 12:

AYES—Messrs. Allen, Baker, Berry, Burch, Garter, Griffith, Hart, Hamm, Holden, Kirkpatrick, Lansing, McDonald, O'Farrell, Parker, Quinn, Redman, and Wheeler—17.

NOES—Messrs. Anderson, Ballou, Bradley, Burton, Dent, Dickinson, Denver, Ketcham, Merritt, Pacheco, Parker, and Price—12.

So the bill passed.

Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named," was taken up, and, on motion of Mr. Kirkpatrick, made the special order of the day for Wednesday, March second, at twelve o'clock, M.

Assembly bill No. 120, "An Act to authorize Richard L. Ogden, or his assigns, to run steam-wagons over the roads of this State, was considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Baker, referred to the Committee on Corporations.

Assembly bill No. 48, "An Act to authorize poor persons to prosecute and defend suits," was considered in Committee of the Whole.

IN SENATE.

Reported back.

The question being upon the recommendation of the Judiciary Committee to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Pacheco, Burton, and Griffith, and taken, with the following result: ayes, 17—noes, 15:

AYES—Messrs. Anderson, Baker, Bradley, Burch, Dickinson, Denver, Garter, Hart, Hamm, Holden, Lansing, Merritt, O'Farrell, Pacheco, Price, Quinn, and Thom—17.

NOES—Messrs. Allen, Ballou, Berry, Burton, Dent, Grant, Griffith, Ketcham, Kirkpatrick, Parks, Parker, Redman, Titus, Wheeler and Williams—15.

So the bill was indefinitely postponed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 23, 1859.

To the Senate of California:

I have, this day, approved "An Act to attach certain territory to the City of Sacramento for school purposes."

Also, an Act to authorize the Board of Supervisors of Sierra County to audit and allow the claim of D. R. Dale.

JOHN B. WELLER.

SPECIAL ORDER OF THE DAY.

Senate bill No. 24, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning toll-bridges and public ferries, approved April twenty-eighth, eighteen hundred and fifty-five;"

Also Senate bill No. 51, "An Act amendatory of an Act concerning public ferries and toll-bridges;"

Were taken up, and the substitute reported by the Committee on Roads and Highways adopted.

On motion of Mr. Griffith, the usual number of copies of the bill was ordered printed, and the bill made the special order of the day for Wednesday, March second, at twelve o'clock, M.

Mr. Grant, by leave, presented a petition from members of the bar of San Francisco, praying that the Sheriff of San Francisco be allowed an attorney.

FURTHER SPECIAL ORDER.

Assembly bill No. 57, "An Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

Mr. O'Farrell moved to indefinitely postpone the bill, upon which, the ayes and noes were demanded, by Messrs. O'Farrell, Titus, and Pacheco, and taken, with the following result: ayes, 9—noes, 21:

AYES—Messrs. Berry, Dickinson, Hamm, Holden, Kirkpatrick, O'Farrell, Parks, Quinn, and Redman—9.

NOES—Messrs. Allen, Baker, Ballou, Bradley, Burton, Dent, Denver, Garter, Grant, Hart, Ketcham, Lansing, McDonald, Merritt, Pacheco, Parker, Price, Thom, Titus, and Wheeler—21.

So the motion was lost.

Mr. Burton in the Chair.

On motion of Mr. Williams, section eighth was amended by striking out of the eleventh and twelfth lines the words "except the amount received for mileage."

On motion of Mr. Merritt, the following amendment to section four, ninth line, was adopted—amend by inserting after "Court-Room Clerk," "a salary of two hundred dollars per month," and wherever it occurs in section four.

On motion of Mr. Merritt, the special order of the day was laid on the table.

Mr. Merritt, by leave, introduced a bill for "An Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Merritt, the special order of the day was taken from the table.

Mr. Ballou moved that the Senate do now adjourn.

Which was lost.

President *pro tem.* in the Chair.

SPECIAL ORDER OF THE DAY.

Senate bill No. 62, "An Act to provide for the payment of Jail-Keep-

ers and Bailiffs in the City and County of San Francisco," was taken up, read a third time, and passed.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 64, "An Act amendatory of an Act to regulate fees in office, in the City and County of San Francisco," was taken up, and the recommendation of the delegation to indefinitely postpone the bill, was adopted.

FURTHER SPECIAL ORDER OF THE DAY.

Reconsideration of the vote by which Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor," was taken up.

Mr. Merritt in the Chair.

Mr. Parks moved a call of the Senate.

Pending which, Mr. Baker asked and obtained leave of absence, for Mr. Anderson.

Mr. Parker asked and obtained leave of absence, for Mr. Phelps.

Mr. Burch asked and obtained leave of absence, for Mr. Wheeler.

The motion of Mr. Parks for a call of the Senate was then adopted.

Roll called.

Absent—Messrs. Pacheco and Thom.

Sergeant-at-Arms dispatched for absentees.

On motion of Mr. Williams, further proceedings under the call were dispensed with.

The question recurring upon the motion to reconsider, the ayes and noes were demanded, by Messrs. Parks, Allen, and Garter, and taken, with the following result: ayes,11—noes, 15:

Ayes—Messrs. Allen, Ballou, Burch, Dent, Grant, Hart, Holden, Merritt, Parker, Price, and Williams—11.

Noes—Messrs. Berry, Bradley, Burton, Dickinson, Denver, Garter, Griffith, Hamm, Kirkpatrick, Lansing, O'Farrell, Parks, Quinn, Redman, and Thom—15.

So the motion to reconsider was lost.

Mr. Bradley, of the Calaveras and Amador delegations, made the following report:

Mr. President:—The delegation from Amador and Calaveras Counties, to whom was referred Senate bill No. 55, have had the same under consideration, and respectfully report the same back, with the accompanying amendments, and recommend its passage, as amended.

B. T. BRADLEY, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Kirkpatrick, by leave, introduced a bill for "An Act amendatory of an Act concerning crimes and punishments, approved April sixteenth, one thousand eight hundred and fifty."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. O'Farrell, by leave, introduced a bill for an Act to be entitled "An Act supplementary to an Act entitled an Act to confirm and legalize the tax-lists or assessment-rolls of the County of Marin, for the years one

thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Redman, by leave, introduced a bill for "An Act amendatory of an Act to regulate fees in office, in certain Counties of this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven.

Which was read first and second times, and referred to the Committee on Finance.

On motion of Mr. Griffith, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

THURSDAY, February 24, 1859.

Senate met, pursuant to adjournment.
President in the Chair.
Roll called.
Journals of yesterday read and approved.

REPORTS.

Mr. Burton, of the Committee on Finance, made the following report:

MR. PRESIDENT:—The undersigned, a majority of your Committee on Finance, to whom was referred Senate bill No. 84, entitled "An Act to provide revenue for the support of the Government of this State," have had the same under consideration, and now beg leave to make the following report:

Your Committee would state that they have made a thorough comparrison of this bill with the existing Revenue Law of this State, and think it in many important particulars an improvement thereon.

The bill by no means proposes, as has been asserted by some, an entire change of the present law. On the contrary, many sections of the present law are incorporated into this bill. Its substratum *is* the present law. It does not propose to enlarge or diminish the objects, or the rates of taxation. Its main design may be stated, in general language, to be:

First—So to amend the present system as to give greater completeness and efficiency to the assessment of property, and the collection of taxes.

Second—So to simplify the duties of revenue-officers, in the assessments and sales of property for delinquent taxes, as that the same may be easily and correctly complied with.

Third—An improvement in the method of settlement of revenue-officers, and provisions for the better protection of the public moneys.

1. In order to enable us to reduce taxation far below the point at which it now stands, nothing in our opinion is necessary but a complete assessment of the taxable property of the State, and a thorough collection of taxes from the sources of revenue, and at the rates now provided by

law. This, we think will be secured by the division which the bill makes of the Counties into revenue-districts. Each County in this State is partitioned into revenue-districts co-extensive with the existing townships; the Boards of Supervisors of the several Counties being empowered to enlarge the districts, if they deem it expedient, by the consolidation of two or more townships into one revenue-district. After the expiration of the terms of the present incumbents, an Assessor and a Tax-Collector are to be elected in each revenue-district, by the qualified electors thereof, to hold office for the term of two years.

This is by no means an innovation without authority or precedent. A similar township system for revenue purposes prevails, we are informed, in several of the older States. In Pennsylvania, Ohio, Illinois, and other States, it is established as the last and best improvement on a revenue-system. If it be a good system there, where population and property are fixed and permanent, how much better is it adapted to the ever-changing values, and the fluctuating population, of California? Correctly to assess property in this State, particularly in the mineral districts, requires a minute and personal acquaintance with the locality where it is situated. Indeed, among the mountains of California, the property can not even be found without such acquaintance.

The present law imposes upon one officer the assessment of an entire County. In the large mining Counties, the Assessor is a stranger in many parts of the County. He travels rapidly through it, and it is difficult, and, indeed, wholly impracticable, for him to find all the men of property, or all the property in the County—he hurrying through his work in such a manner as to leave it half completed; and yet, from the great amount of work to be performed, so much time is consumed that it is late in the year, and after the water and mining-season is over, before the collection of taxes is commenced.

The consequence is, that money is less plenty and property has depreciated, and tax-payers are less prepared and less inclined to pay their taxes, than they would have been at a more prosperous season of the year.

This bill, by the division of the Counties into revenue-districts, with local revenue-officers in each, renders a complete and early assessment entirely practicable. An Assessor is selected, living in the immediate locality, who is familiar with the people and the property of his district. The assessment can thus be made within such a period of time as will allow the collections to commence, and be completed, while money is plenty in the mines and throughout the State. By this bill, the assessments are to be made between the first Mondays of April and June, in each year, instead of the first Mondays of March and August, as fixed by the present law—thus permitting the collections to commence two months earlier than at present.

It may be feared that assessments made by so many local officers will lack uniformity, and be liable to much error. The undersigned concede the vital importance of this subject. The rulings of the Courts against tax-titles are exceedingly strict. A correct assessment-roll, in the form prescribed by law, lies at the basis of such titles, and is essential to their validity. The provisions of the existing law, on this subject, are complex, and difficult to follow. An unnecessary number of columns is required in the assessment-roll; only general directions are given as to its form and structure; an arbitrary and unjust classification of property is made; improvements, buildings, possessory-claims on public lands, are listed as *personal property*. The Assessor is required to take the oath of

all taxable inhabitants, but no provision is made for preserving the evidences of that oath.

The undersigned consider the provisions of the proposed bill a material improvement on this point. Instead of the present classification of property, the following simple and comprehensive one is made:

"All property in this State shall be taxed as real or personal property. The term 'real property,' as used in this Act, shall include land and all immovable property thereon. The term 'personal property' shall include all property except 'real property,' as above defined."

This is a natural and simple, not to say a legal, definition.

The structure of the assessment-roll is simplified—fewer columns are required, and, as an illustration, a formula is given in the Act itself. But in order to insure correctnes and uniformity, the Auditor of each County is required by this bill to make out and deliver to each Assessor of his County, on or before the first Monday of April, in each year, a carefully prepared assessment-roll, with the proper columns ruled off, and the proper headings. The Assessor then has nothing to do but to enter therein, in the proper places, the names, description, and valuation of property, in his district.

These provisions, in the opinion of the undersigned, will insure correct assessment-rolls in each district, and secure a far greater uniformity than exists in the rolls of the several Counties, under the present law. In addition to this, evidence of the oaths administered by the Assessor to all taxable inhabitants, is preserved in a permanent form. They are required each to sign an affidavit embodied in the roll itself.

This important matter is no longer intrusted to the fallible memory of an Assessor alone.

Men will be far more apt to render a complete list of their property when they are required to place on file their oaths to its correctness. (See sections 11–21.)

Again, by this bill, the compensation of the Assessor is made to depend upon the faithful and correct discharge of his duty. If his work is negligently done—if his roll is so incorrect as to furnish no legal basis for tax-titles, the Board of Supervisors may refuse him any compensation whatever. (See section 8.)

Again, the importance of collecting statistical information of the productions, resources, and wealth of the State, is universally conceded.

Nothing could more materially contribute to the prosperity of the State, or serve a more useful purpose in directing the industry and enterprise of our people into remunerative channels.

Under the present laws, it is made the duty of County Assessors to collect and report such information to the Surveyor-General, but that duty is not enforced by any sanction of law, and, consequently, County Assessors have too often made a sport and farce of this important business, and much injury has been inflicted on our State by these worthless and absurd reports. By this bill, these reports are required of District Assessors, and the correct performance of this duty is secured by withholding their whole compensation until such reports are rendered. They are then to be consolidated by the County Auditor, and forwarded to the Surveyor-General. And thus will there be secured a mass of statistical information, composing a reliable and valuable report, or "Year Book," of the productiveness and wealth of our young State, and preserving for her future historian, materials of inestimable utility.

2. The present law imposes, in many of the Counties, the collection of nearly all the taxes upon the Sheriff. This is a glaring defect.

The Sheriff has many other important and imperative duties to perform; in fact, more than he can possibly perform in person. He is consequently compelled to collect the taxes by means of the intolerable deputy system. The collection of the property-tax is onerous upon the people. Tax-payers are compelled to travel from their homes to the County-seat —to the Sheriff's office—to settle their property-tax, otherwise they are published as delinquents, and their property sold. It would seem that taxation is burdensome enough upon the people of California, without imposing upon them the labor and expense of going from the extremes of the County to the Sheriff's office to pay them.

The Government which levies such heavy duties upon its people, can well afford to spare them this needless burden.

Again, the Sheriff has little time from his other duties to inform himself upon the Revenue Laws. He selects deputies. If he make a good selection, the people are fortunate. But, if they are bad men—if they steal the public money—the Sheriff is not criminally liable for their acts. The criminal part of their conduct is removed from the principal—the Sheriff—and fixed upon no one in particular. If the revenue of this State is to be assessed and collected by the appointees of some superior officer, we should have a revision of the Constitution, and place the appointing power in some responsible hands.

The Constitution says that "Assessors and Collectors of Taxes shall be elected by the qualified electors of the District, County, or Town, in which the property taxed is situated." (Constitution, Article XI, Section 13.) Our system is in open violation of this provision of the Constitution.

Not one-tenth part of the property of this State is assessed, or the taxes thereon collected, by constitutional officers—Assessors and Collectors elected by the people. Hence, the startling peculations and frauds upon the public revenue, which go unwhipped of justice. The people have a right to elect their own servants; and this right, guarantied as it is, by the Constitution, should not be taken away from them. The people are the best judges of those who should be intrusted with their money.

This bill proposes to allow the qualified electors of the respective revenue-districts, as required by the Constitution, to elect, from their own number, the Assessors and Collectors of Taxes—their neighbors—whom they can watch, and who will be responsible directly to the people for their conduct. No irresponsible individual could obtain such office, because he would be unable to qualify, by giving the requisite bonds. The principle of a division of labor, so beneficial in all the branches of human industry, is applied, by this bill, to our revenue-system. No more work is required of any officer than he is able thoroughly to perform. The people, by this bill, elect their own agents, and are relieved from the necessity of selecting a "universal genius," under the name of *Sheriff*.

Again, the small amount of revenue derived from the license-taxes exhibits, in strong light, the inefficiency of the present system. Never did a Government possess a more fruitful and less burdensome source of revenue, than California possesses in the foreign miners' tax. The usual estimate places the number of foreign miners in California at about sixty-five thousand. Let us place it at a low estimate, say forty thousand. Now, forty thousand foreign miners' licenses, sold monthly, at four dollars each, would amount to one hundred and sixty thousand dollars. Deduct Sheriffs' and Deputies' commissions, twenty-five per cent., being forty thousand dollars, and Auditors' commissions, three per cent., being four thousand eight hundred dollars, would leave a net balance of one hundred and fifteen thousand two hundred dollars per month. Deduct

one-half, due to the Counties, being fifty-seven thousand six hundred dollars, would leave a balance, due the State, of fifty-seven thousand six hundred dollars. Deduct Treasurers' commissions, three per cent. on amount paid State, one thousand seven hundred and twenty-eight dollars, would leave, monthly receipts in the State Treasury, fifty-five thousand eight hundred and seventy-two dollars, or, yearly receipts, the sum of six hundred and seventy thousand four hundred and sixty-four dollars; and an equal yearly amount ($670,464) would be paid into the County Treasuries.

Nevertheless, we find, from the Controller's books, that the amount actually received into the State Treasury, from this source, for the last five and one-half fiscal years, is as follows:

Statement of the Amounts received into the State Treasury, from the sales of Foreign Miners' Licenses for the fifth, sixth, seventh, eighth, ninth, and the first half of the tenth Fiscal Years.

5th Fiscal Year, ending June 30th, 1854.....	$100,557 92
6th Fiscal Year, ending June 30th, 1855.....	123,323 25
7th Fiscal Year, ending June 30th, 1856.....	185,759 35
8th Fiscal Year, ending June 30th, 1857.....	138,604 64
9th Fiscal Year, ending June 30th, 1858.....	129,967 91
10th Fiscal Year, to December 31st, 1858—(half year).....	59,616 46
Total receipts for five and one-half years.....	$737,829 53
The amount that should have been received on the above estimate, for the same period, is.....	$3,587,552 00
The loss accruing to the State during five and one-half years, from the working of the present system, has been	2,849,722 47
The loss accruing to the Counties, during five and one-half years, from the same cause, has been.....	2,849,722 47
Making an aggregate loss to the State and Counties, of.....	$5,699,444 94

Again, take for illustration, the poll-tax. The persons liable to poll-tax are not less in number than one hundred and fifty thousand,—yet, the number who paid said tax, in the last Fiscal Year ending June, A. D. one thousand eight hundred and fifty-eight, was only fifty-seven thousand five hundred and seventy-five; taking into the estimate the last four years and the average number of annual poll-tax payers is forty-six thousand three hundred and forty-two (46,342.) (See Report of Special Committee on Taxation, to the House, page 6.)

Let us suppose that one hundred and thirty thousand persons paid this tax yearly, then we have the following

Estimate of the Amount due the State annually, from Sales of Poll-Tax Receipts.

Population subject to poll-tax, 130,000; receipts of same at $3 each, is.....	$390,000 00
Deduct 18 per cent. Collector's and Recorder's commission,	70,200 00
Leaving a balance of.....	$319,800 00

Brought forward	$319,800 00
40 per cent. due the Counties	127,920 00
Balance due the State	$191,880 00
Less Treasurer's commissions, 3 per cent	5,756 00
Net balance due the State	$186,124 00
Making an aggregate due the State, for five years	$930,620 00

And yet the amount actually received from this source, into the State Treasury, is as follows:

Statement of Receipts into the State Treasury, from the sales of Poll-Tax Receipts for the years 1853, 1854, 1855, 1856, 1857, 1858, *as shown by the Controller's books, as follows:*

1853	33,767 polls, equal to	$48,286 13
1854	48,968 polls, equal to	70,024 59
1855	42,984 polls, equal to	61,467 14
1856	41,480 polls, equal to	59,316 63
1857	50,701 polls, equal to	72,502 12
1858	36,856 polls, equal to	52,703 39
	254,756 polls, equal to	$364,300 00

From this, it appears that, by the inefficient collection of this tax the State has sustained, in the last five years, an aggregate loss of, in round numbers, $600,000 00, and the Counties, a loss of $400,000 00.

The result is, that the State and County Treasuries have suffered during the last five years, an aggregate loss, upon these two branches of the public revenue, of $6,699,444 00, an amount nearly sufficient to discharge the entire present indebtedness of the State and Counties, (leaving out the Counties of San Francisco and Sacramento.)

And thus it is that the rich harvests which might be gathered in from these productive fields of revenue, are, by the inefficiency of our present system, squandered away. And, indeed, no one, who reflects upon the peculiarities of our country and its population, can be astonished at the result.

In the mineral regions, we have a floating population. It is constantly changing—not because we have no fee-simple titles to land, as is asserted by some theorists, but because of the peculiar character of our industry. The foreign miners' tax is collected almost entirely from our Chinese population. Language furnishes a very imperfect medium of communication with them, and a certain sameness and monotony of expression renders it difficult to distinguish one from the other.

In order to collect the license-tax from such a population, a minute and intimate acquaintance is required, on the part of the officer, with their residences, their employments, and their resources.

He must remain in their neighborhood, and observe their movements.

It is wholly impracticable, in the mountain districts, to collect this revenue by means of County officers.

Each Collector must preside over a limited district which he can thoroughly and promptly serve.

If the Chinese are to remain in our midst, let us, at least, put into vigorous action this, the only constitutional check we hold upon an excessive increase of their numbers, viz.:—the thorough collection of the foreign miners' tax.

There are strong grounds for believing that gross frauds are perpetrated in these branches of the public revenue. This bill provides, we think, valuable checks, in this respect, by means of monthly settlements, and other provisions therein contained, to which we invite the attention of the Senate. Let the revenue from these sources be efficiently collected, and the County Governments, now staggering in helpless despondency under an enormous load of debt, will instantly feel the invigorating effect, and be relieved of the burdens which are now crushing them in the dust.

3. The present Revenue Law has a great many unnecessary provisions and unmeaning distractions. It is almost impossible for the best lawyer in the State to determine what is there meant by the term "real estate," or the term "personal property." Practically, our Assessors and Collectors have been unable, under the present system, at least in the mining Counties, so to classify the different kinds of property as to render their proceedings regular or valid. In few, if in any, of those Counties, is there in existence, a tax-title which will stand the test of a legal investigation.

By the present law, improvements on public lands and possessory-claims thereon are treated as "personal property." In case of the sale of such possessory-claims or improvements on public lands for delinquent taxes, a shorter time for redemption is allowed by the present law, than in case of the sale of "real estate," to wit: ninety days, instead of six months. Upon the expiration of the ninety days, the Sheriff is required forcibly to eject any person in possession, and place the purchaser in in possession.

A writ, hitherto unknown, termed in the Act a "*Writ of Ouster*," and not defined therein, is made to issue against a delinquent tax-payer, who has only a possessory-claim. There is no foundation in reason for this distinction. It is absurd in itself, and unjust to the owners of possessory-claims on public lands.

Why should the owner of a homestead, or a water-ditch, in the mountains, be allowed only half the time for redemption that is extended to the owner of land in the valley? Why should the former, on failure to redeem, be ousted forthwith, by a Sheriff, while the latter is protected in his possession until the tax-title can be tested in a Court of Law? The fact that one has the fee, and the other has it not, is of no consequence, for the purposes of a general classification. Let *land* be classed as *land*, and not as *personal property*. This matter is set right by the proposed bill. A broad and clear distinction is made for revenue purposes between "land" and "personal property," and illustrations are given of what is meant by personal property. A distinction is also made between cases where the fee is in the tax-payer, the State, or the United States. In the latter cases the improvements only are assessed and taxed. A citizen on the public lands will not be deprived of his home by any means more summary than a man owning the fee. Our Courts treat them with the same consideration, and the Tax-Collector should do the same. All such

useless theories and distinctions as those existing in the present Act, should be excluded from a Revenue Law. Such a law should be plain and simple. This bill proposes to simplify; it gives brief and clear forms to be followed, instead of the general and uncertain language now employed.

The forms of tax-certificates and deeds, at present in use, are of unnecessary length and complexity.

The forms for those instruments furnished by this Act we think far preferable.

Whether mortgages, liens, etc., are proper subjects for taxation, has been a mooted question. They are taxed by the present law.

The proposed bill makes no change in this respect, other than by providing the means whereby the tax may be secured.

No satisfaction can be entered on the record of a mortgage or lien; no decree of foreclosure can be obtained, without the affidavit of the party in interest, or his agent, that all taxes have been paid. Whether this tax be politic or impolitic, one thing is certain, that by this machinery its collection will be secured.

But we are satisfied that such a tax should be levied for the following reasons:

1. Money is property. The owner of ten thousand dollars, at interest, is just as rich as the owner of a ranch or water-ditch worth ten thousand dollars. The former is far better able to pay taxes than the latter. The latter is taxed, so should the former be taxed.

2. It is vain to say, that by this means we enhance the rate of interest; that the tax is really paid, not by the lender, but by the borrower; not by the usurer, but by his victim.

The same remark applies with equal force to a tax on merchandise, on cattle, on all the necessaries and conveniences of life.

It may tend to enhance the price of these commodities to the consumer. Competition is the only effectual means of keeping down prices of money, as of other articles. The fact is, the consumer, either directly or indirectly, pays all taxes.

Indirect taxation is the popular, though most expensive, method.

3. Mortgages, liens, etc., are the creatures of law. They demand the constant protection of law. The Courts are more occupied with this species of property than any other. Let them contribute to the support of the Government which protects them.

4. The law, as it now stands, devolves, indiscriminately, improper and conflicting duties upon the different County officers—the County Clerk, Recorder, Auditor, Assessor, Tax-Collector, Sheriff.

The want of a proper distribution of their duties occasions great confusion, and constantly endangers the public revenue. For example, the Assessor is empowered to collect poll-taxes, the Treasurer to collect license-taxes, etc.

It is impossible to keep a proper check on such officers. The Auditor should be the accountant of the County—he should have no other connection with the public revenue. His books should contain all the accounts of the revenue officers of his County. It should furnish a complete check on all the other officials—present a perfect history of their transactions.

All revenue officers should be limited to the performance of their appropriate duties. By the proposed bill, your Committee think the proper system is carried out.

Under its provisions, no one keeps any accounts except his own, but

the Auditor. No one assesses any property but the Assessor. No one collects any taxes but the Tax-Collector. And no one keeps any public money but the Treasurer. Each is strictly confined to his own proper department.

The Committee call especial attention to the stringent provisions made by this bill for the protection of the public moneys. Legislation is imperatively demanded for this purpose. That the people, after having paid their taxes, should have their money squandered, or stolen, by improvident, negligent, or criminal officials, is an evil of too frequent occurrence in our State. Not only, by this bill, is the compensation of all revenue-officers made dependent on the prompt and faithful performance of their duties, but their criminal conduct will be followed by instant and severe punishment. Each Tax-Collector is required to make a final settlement on the first Monday of each month, with the County Auditor and Treasurer—to pay over all moneys collected—to return all unsold licenses and poll-tax receipts, and balance his accounts on the Auditor's books.

From the first Monday of each month, he takes a new departure. If he fail, in a single instance, to make his monthly settlement, he is a defaulter, without hope of escape. If a Collector will steal the people's money, he can only steal the collections of one month. If he fail to make prompt settlement, he is forthwith removed from office.

Your Committee also commend those provisions of this bill which require each County Treasurer to make out and verify, by his own oath and that of his Deputies, a monthly statement, and post the same at his office; which statement shall inform the public of the condition and contents of the treasury; the condition of the various funds; the money in each; its outstanding indebtedness; and the transactions of the treasury during the past month, (see section eighty-six.) They also call attention to the affidavit required of the Treasurer and his Deputies, to be made monthly, and filed in the Auditor's office, (see section eighty-seven.) These provisions will place before the public a monthly history of the transactions of the treasury, and furnish an important check on the dishonesty of Treasurers. They will effectually put a stop to the speculations of those County officers in the County warrants and indebtedness, and secure the correct and honest discharge of their duties.

It is true, that the main purposes of the proposed bill might have been accomplished by a series of well-drawn amendments; but, it is surely better to re-write the whole, and present a system, compact, connected, and complete in itself, rather than to tear the existing Act into fragments, and scatter them through, or bury them in, those annual volumes which the Legislature contributes to the science of jurisprudence.

That the present law has operated to supply an abundant revenue to the State Treasury, is no reason why it will not admit of amendment—no reason why it should not be made to operate less onerously, and more equally, upon the people—no reason why the many and deep defects apparent in its structure should not be cleared away. The existing law is certainly an improvement on the system which preceded it; but the fact that a larger revenue has been collected under it, is owing not so much to its efficiency as to the exorbitant rates of taxation. Any system which would enforce these rates on one-half the taxable inhabitants of the State, would produce a great revenue. What it lacks is efficiency, vigor, and machinery, to carry out its many excellent provisions. Let this be supplied, and not only will taxation be equalized—not only will it act less oppres-

sively on the people—not only will greater safeguards be thrown around the public money, but an overflowing revenue, derived from all the sources of taxation, will enable both the State and County Governments to reduce the rates far below the present point. This the people demand, and have a right to expect, and this the undersigned conceive will be accomplished in great part by the bill, which, with certain proposed amendments, herewith transmitted, they would now beg leave to report, recommending its passage, so amended.

E. F. BURTON,
GEO. W. DENT,
A. St. C. DENVER, of Committee.

Report accepted.

On motion of Mr. Quinn, the usual number of copies of the report was ordered printed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President;—The Committee on Engrossed Bills have examined ——— bill No. 157, "An Act to aid in the erection of the Washington Monument, in the District of Columbia;"

Also, Senate Concurrent-Resolution No. 26, relative to adjourning *sine die* on Monday, the eleventh day of April, one thousand eight hundred and fifty-nine, at two o'clock, P. M.;

Also, Senate bill No. 141, an Act supplementary to, and amendatory of, an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Parks, Chairman of the Committee on Public Morals, made the following report:

Mr. Speaker:—Your Committee on Public Morals, to whom was referred Assembly Concurrent-Resolution No. 28, authorizing the Governor to appoint a Commissioner, to receive certain funds, have had the same under consideration, and beg leave to report the same back, without amendment.

W. H. PARKS, Chairman.

Report accepted, and, with resolution, placed on file.

Also, the following report:

Mr. President:—Your Committee on Public Morals, to whom was referred Senate bill No. 120, an Act to amend an Act entitled "An Act to provide revenue for the support of the Government of this State," passed May fifteenth, one thousand eight hundred and fifty-four, beg leave to report the same back, without amendment, and recommend its passage.

They have, also, had under consideration Assembly bill No. 172, an Act to authorize Michael Massett to remove the remains of deceased persons;

And, Assembly bill No. 150, "An Act to change the names of certain parties therein named;"

Both of which they beg leave to report back, and recommend their passage, without amendments.

W. H. PARKS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 124, "An Act to authorize Wm. B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances," have had the same under consideration, and report the bill back, and recommend its passage.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

REPORT OF COMMITTEE ON THE STATE-PRISON.

Mr. Burton, Chairman of the State-prison Committee, made the following report:

The Committee on State-prison and Public Buildings, of the Senate and Assembly, having jointly visited the State-prison, at Point San Quentin, for the purpose of ascertaining the condition of the Prison, and inquiring into the administration of its affairs, respectfully beg leave to

REPORT:

Since the Prison was taken possession of by the Governor, under the Act of February twenty-sixth, A. D. one thousand eight hundred and fifty-eight, great improvements have been made upon the Prison and Prison-grounds.

The following are the main improvements which have been made:

A Store-House, valued at	$6,080 00
A Prison-Office, valued at	2,668 77
A new Prison, (unfurnished,) valued at	10,121 00
Roads, valued at	176 00
Wharf, valued at	6,210 00
Work in Quarry, valued at	5,745 00
One Long-Room—value	770 00
Improvements on Prison-Yard	1,235 00
Improvements on Yard east of Prison	2,358 00
Kitchen-Yard—value	92 00
Besides various articles of Carpenter's Work, constructed for the use of the Prison, valued at	980 00
Also, 6,502,510 Bricks, ready on hand for sale, at an estimated value of	45,517 00

The Prison, Prison-walls, and the buildings constructed for Prison-purposes, are in good condition, and permanent, and, with some small additional improvements, will be sufficiently convenient to contain three hundred and fifty prisoners for half a century. There are five hundred and eighty-two prisoners confined in the Prison, all of whom, so far as the Committee could ascertain, were well fed, upon wholesome and sufficient food, and were well clad—the most of them being clothed as well as is compatible with a Prison life. The Committee heard of no complaints of cruel or unusual punishments being inflicted upon the prisoners, and

learned of no maltreatment of the prisoners by the overseers, or those in authority over them.

We found the sanitary condition of the Prison good, and, in cases of sickness, the patients have the prompt and scientific assistance of the State-prison Physician and Surgeon, to relieve their sufferings and cure their diseases. As to the physical comforts of the Prisoners, we think that it will be found that they have been very much improved since the State took charge of the Prison. The policy adopted by the Statutes of February twenty-sixth, and April twenty-fourth, A. D. one thousand eight hundred and fifty-eight, has been fully vindicated in the management of the State-prison by the Governor and Board of Directors, since they have had charge of that institution, under the system of administration adopted by those laws.

When the Governor took possession of the Prison, under the Act of the twenty-sixth of February, he found the Prison and the appurtenant property in the possession and under the management of the assignee of James M. Estill, to whom the State had leased the same for the term of five years, together with the labor of the prisoners, the State paying the said Estill, or assignees, ten thousand dollars per month for feeding, clothing, guarding, etc.

During the months of March and April of that year, the accounts show, when the Prison was in charge of the Governor, under the possession of said Act of February twenty-sixth, a great reduction in the ordinary expenses of the institution, and that the labor of the prisoners was worth eleven thousand three hundred and forty-four dollars to the State. During the succeeding eight months, the whole amount of labor, including brick and stone, at market prices, is estimated, by disinterested and competent parties, at seventy-seven thousand five hundred and twenty-three dollars and thirty-eight cents.

The amount of cash received from the Treasury, for Prison purposes, in the time, is fifty-four thousand eight hundred and sixty-one dollars and sixty-one cents, leaving a balance in favor of the Prison, of twenty-two thousand six hundred and sixty-one dollars and seventy-seven cents. The ordinary expenses, as shown by the Warden, during the eight months ending on the thirty-first of December last, amount to thirty-five thousand four hundred and seventy-eight dollars and thirty-six cents, or an average of four thousand four hundred and twenty-nine dollars and seventy-nine cents.

The cost of daily rations, including officers and employés, is shown to be a fraction less than thirteen cents to each. "One of the old Board of Directors estimated the ordinary expenses of feeding, clothing, and guarding, six hundred prisoners, at one hundred and eighty thousand dollars per annum, or fifteen thousand dollars per month." And when the State took possession, under the new policy created by the Acts of the last session, she was paying expenses up to the exorbitant estimates of the old Board of Directors; for she was paying, under the contract with Estill, ten thousand dollars per month, or one hundred and twenty thousand dollars per annum, besides all the revenue derived from Prison-labor. It will be observed that there have been two distinct administrations of the affairs of the State-prison since the twenty-sixth of February, A. D. one thousand eight hundred and fifty-eight. The Act of the Legislature of that date authorized and empowered the Governor of the State, and made it his duty, through such agents as he might appoint, to take immediate possession of the State-prison and grounds, together with all the property therein situated, and to assume the custody, control, and management, of

the convicts confined, etc., and appropriated ten thousand dollars, to be applied to the payment of the current expenses of the Prison.

This Act placed the full government and the discretionary management of its affairs into the hands of the Governor, or until the Act of April twenty-fourth was passed, and we deem it but due to the Governor to remark, that by the energetic, prudent, and economical administration of the affairs of the State-prison, during the two months in which that institution was under his entire control and management, he has faithfully discharged his duty, and sustained the confidence reposed in him by the enactment of that law under which he rendered those services.

During the succeeding eight months, the administration of the Prison was in the hands of a Board of Directors, under the Act of April twenty-fourth, one thousand eight hundred and fifty-eight, consisting of the Governor, Lieutenant-Governor, and Secretary of State, whose administration was characterized by ability and economy in all things they did in the performance of their onerous and complicated service; and here we think we ought to remark, *particularly*, concerning the services of Joseph Walkup, as Chief-Warden of the Prison, who devoted his whole time, during the interval between the sessions of the Legislature, to the affairs of the Prison. He has had the direction and management of the details of the Prison-service. All his transactions show great promptness and prudence, and his vouchers of purchases and financial transactions exhibit the strictest economy and integrity. He appears to have discharged his duties as though he had been in his own service; and for this we deem him entitled to the confidence and approbation of the Committee. This officer spent his whole time at the Prison, in discharging the duties of Chief-Warden, and, as there are some doubts whether the compensation provided by the tenth section of the Act creating the Board of Directors, can be legally drawn, we recommend the Legislature to remove the difficulty. He has received only seventy-five dollars per month for his services, a compensation, of course, wholly inadequate to the position he occupied. As experience has shown that the present system for the government of the State-prison, and the management of affairs connected therewith, has operated well under the management of a faithful and competent board of officers, and is, perhaps, the best under the circumstances of this State, we recommend the continuance of the system with some modifications.

As the Lieutenant-Governor is not obliged to keep an office and reside at the Capital, and does not usually reside there, and it is on that account frequently inconvenient and disadvantageous for that officer to meet the other members of the Board for the transaction of business, it is thought best to recommend a change in the Board of Directors. Let the Controller of State be substituted in the place of the Lieutenant-Governor, and the Attorney-General for the Secretary of State, so that the Board shall consist of the Governor, Controller, and Attorney-General, all of whom are obliged to keep offices for the transaction of business at the Capital. While we recommend the substitution of the Attorney-General in the Board of Directors, in the place of Secretary of State, we acknowledge the valuable services of that officer, and the faithfulness with which he discharged his duties, as a member of the Board, but we deem it the better policy to have the Board of Directors composed of officers, each of whom shall be elected by the people, then their responsibility lies directly to their constituents, whose agents they are. A bill is herewith reported, showing the proposed modification of the system.

The following are facts, among others, which exist, that indicate the

policy of establishing a Branch-prison at Folsom, in the County of Sacramento: The Prison at Point San Quentin can not comfortably and advantageously accommodate more than three hundred and fifty prisoners. The material for making brick, which has been the chief labor of the convicts, is nearly exhausted, and must be supplied before the business can be further carried on by means of convict-labor, to any extent, or profit. There can be no machinery erected, by which manufactures or the mechanic arts can be carried on there, except so far as to supply the immediate wants of the Prison. It is bad economy to maintain the requisite force of Guards and Watchmen, to prevent the escape of prisoners, under the present system of working them, which can not be abolished while too many prisoners remain there. The Prison is situated far one side of the centre of the population of the State, which in the aggregate unnecessarily and largely increases the burden of taxation to defray the expenses in conveying convicts to Prison. Folsom is a central position, both geographically and with reference to the population of the State. It is situated within about twenty-two miles of the Capital, and is connected therewith by railroad. The locality contains immense quantities of granite, of excellent quality for building purposes, as well as a large quantity of clay, for brick, which is supposed to be inexhaustible. This material may be easily wrought by convict-labor into form for buildings and constructions of every description, and thence easily be conveyed to Sacramento, to be used in building a Capitol, and such other public buildings as the State may require, or to many other points where this material may be disposed of at highly remunerative prices. There is also at this point an immense hydraulic power, to be supplied from the American River, which, at a comparatively small expense, can be employed in such manufactures as it may be found desirable to conduct, by the assistance of convict-labor. The climate is pure and healthful. The establishment of a Branch-prison here would cause such a division of the convicts as to allow of their subdivision and classification, according to their ages, character, habits, and nationality, which would undoubtedly be an advantageous arrangement. Under the present arrangements, the convicts form a community of hetrogeneous criminals, in which vice and crime are taught. There, many young men in whose hearts beat warm and honest impulses, are thrown into the society of the most abandoned and hardened villains, who have no intention of ever leading honest lives.

It is a mistaken view, to suppose that all men who are doomed to the State-prison are hardened in crime, and beyond the pale of reform. Many a young man has been sent to the State-prison, who has been the victim of drinking and gambling, who is naturally generous, honest, and even high-minded, and who would, under favorable influences, become a useful member of society; and especially should all young or juvenile convicts be kept separate and apart from the abandoned and hardened criminals. The principles of humanity require this. There is a large class of juvenile convicts in the Prison, under the age of twenty-one years, whose minds are not deeply imbued with vice and crime, and whose offence, for which they are suffering, was committed more through temptation and folly than a deliberate intention to commit crime. For the most part, and in the majority of cases, we deem these capable of correction and reform. But, to associate these with the hardened in crime, men who have not an honest impulse, and have no wish or expectation of ever leading honest or respectable lives, is the destruction of all hope or prospect of their reformation or improvement. It can not fail to complete the ruin of this class of prisoners for all time to come.

We do not believe the State has a right to inflict such punishment upon her citizens. The Committee therefore earnestly recommend the establishment of a separate department for the accommodation of this class of offenders. Let it be in the nature of a House of Correction and Reformation, in which, also, those who are sentenced for a sufficient length of time may be instructed in some useful trade or handicraft.

Permit us here to say, that economy would dictate that this institution should be placed under the superintendence of the Board of Directors appointed for the government of the State-prison. In the language of the Report of the Board of Directors of the State-prison, we recommend, "as a reformatory measure, a small appropriation, to purchase books for the use of the convicts. If a proper selection could be made, it is not doubted that much good could be effected in this way. Whilst their sufferings would be alleviated, salutary impressions might be made upon hearts and consciences which otherwise could not be reached." Your Committee venture to express their opinion that, if the views and recommendations contained in this report should be substantially adopted by the Legislature, the State-prison system of this State, within a few years, would be so far completed as to fully effect the end for which it was designed, and relieve the State of a heavy burden of taxation to support the institution.

The Committee will not refrain from especially condemning the impolicy of leasing out the State-prison, to be controlled and managed by persons, not responsible to the people, and whose only object is to make the most money possible out of their contract. On this subject we think we may truly say that experience has taught the State a dear lesson. Under that inefficient and iniquitous system the State has been swindled out of immense sums of money, and has paid every year, for four years past, more than double the amount of money necessary for the support of that institution.

The brief but faithful administration of the officers of the Prison, by a board of responsible officers, has shown the truth of this. It has been demonstrated, by the management of this Board of Directors, that the current expenses of the Prison per month can be paid with four thousand and five hundred dollars, or fifty-four thousand dollars per annum.

This saves to the State from the price or amount paid under the last contract of lease, sixty-six thousand dollars in cash per annum, on the score of current expenses of maintaining the prisoners, without taking in the value of Prison-labor. But higher considerations than those of a financial and economical character should be entertained in the adjustment of the State-prison system, under the system of letting out and farming out the Prison.

The contractor takes the convicts from the care and government of the State, for the sole object of making the most money possible out of their labor. As all ought to have foreseen, *and as experience has fully* shown to the world, their physical wants are wretchedly provided for, and their moral condition wholly disregarded by those who have the management of these miserable beings, for the most mercenary purposes. And these unfortunates are always insufficiently, and often badly, fed and clothed. In brief, they are treated more like brutes than human beings.

The State thus inflicts a vengeance of punishment on the prisoners which disgraces humanity.

In the name of justice and humanity, we feel bound to denounce the system, and hope that the State will never disgrace civilization and the intelligence of the age by adopting it again.

All of which the Committee respectfully submit for the enlightened consideration of the Legislature.

E. F. BURTON,
E. GARTER,
W. B. DICKINSON,
JAMES ANDERSON, } of the Senate.
O'FARRELL,
J. M. McDONALD,
S. A. BALLOU,

PHIL. MOORE,
PHILIP LYNCH,
CHAS. R. STREET,
GEO. N. WHITMAN, } of the Assembly.
GEO. H. CRENSHAW,
MAN'L TORRES,
JAS. A. BANKS,

On motion of Mr. Denver, four hundred and eighty copies of the report ordered printed.

Senate bill No. 146, an Act for the government of the State-prison, and creating a Board of Directors, and defining their powers and duties, and to repeal an Act entitled an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight, was read first and second times, and, on motion of Mr. Burton, made the special order of the day for Tuesday, March first, at twelve o'clock, and every day thereafter, until disposed of, and the usual number of copies of the bill ordered printed.

Senate bill No. 147, "An Act to compensate the Warden of the State-prison," was read first and second times, and placed on file.

INTRODUCTION OF BILLS.

Mr. Hart, by leave, introduced a bill for an Act authorizing and empowering the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for contingent purposes.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Burch, by leave, introduced a bill for "An Act to amend an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State, approved April twenty-fifth, one thousand eight hundred and fifty-seven."

Which was read first and second times, and referred to Committee on Military Affairs.

Mr. Holden moved to reconsider the vote by which Assembly bill No. 48, "An Act to enable poor persons to prosecute and defend suits," was indefinitely postponed, on yesterday.

Pending which, Mr. Bradley moved a call of the Senate, which was adopted.

Roll called.

Absent—Messrs. Grant, Griffith, Allen, Ketcham, Kirkpatrick, Pacheco, Quinn, and Redman.

Sergeant-at-Arms dispatched for absentees.

Messrs. Grant and Griffith, appearing at the bar of the Senate, were, on motion of Mr. Williams, admitted.

Messrs. Pacheco and Redman, appearing at the bar of the Senate, were, on motion of Mr. Burton, admitted.

On motion of Mr. Williams, further proceedings under the call were dispensed with.

The question recurring upon the motion to reconsider, the ayes and noes were demanded, by Messrs. Griffith, Merritt, and Burch, and taken, with the following result: ayes, 16—noes, 17:

Ayes—Messrs. Allen, Ballou, Berry, Burton, Dent, Grant, Griffith, Holden, Kirkpatrick, McDonald, Parks, Parker, Phelps, Price, Redman, and Williams—16.

Noes—Messrs. Anderson, Baker, Bradley, Burch, Dickinson, Denver, Garter, Hart, Hamm, Lansing, Merritt, O'Farrell, Pacheco, Quinn, Thom, Titus, and Wheeler—17.

So the motion to reconsider was lost.

GENERAL FILE.

Senate bill No. 141, an Act supplementary to, and amendatory of, an Act entitled "An Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same," was taken up, read a third time, and passed.

Assembly bill No. 47, "An Act to reduce the salary of the County Judge of Sutter County," was taken up, and, on motion of Mr. Parks, laid on the table.

SPECIAL ORDER OF THE DAY.

President in the Chair.

An Act concerning roads and highways was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

On motion of Mr. Burton, the following amendment was added to the end of section nineteen: "This section shall not be held to include California Indians."

Mr. Allen moved to strike out section thirty of the bill.

Which was lost.

Mr. Wheeler offered the following amendment to section eighteen, which was adopted:

Add, at the end of the section, the following:

"*Provided*, That when such private roads are laid out through any inclosure or field of any other person, other than the petitioner or petitioners, it shall be the duty of such petitioner or petitioners to fence such road, on both sides thereof, with as good and substantial a fence as that inclosing such field or inclosure at the time such road is laid out."

The bill was then ordered engrossed, and read a third third time.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed substitute for Senate bill No. 114, an Act authorizing John McDougal, administrator of the estate of George McDougal, deceased, to convey certain real property.

Also, Assembly bill No. 18, an Act providing for the more complete survey and location of the boundary-lines between the Counties of Shasta, Plumas, Siskiyou, and Tehama.

Also, concurred in Senate amendments to Assembly bill No. 91, an Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, Yuba, and Nevada.

Also, Assembly bill No. 93, an Act to confirm and legalize the tax-lists or assessment-rolls of the County of Marin, for the years one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County.

Also, Assembly bill No. 124, an Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey.

And, also, passed Assembly bill No. 173, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

C. GILMAN, Clerk.

FEBRUARY 24, 1859.

Assembly bill No. 173, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven, was taken up, read first and second times, and referred to the Committee on Finance.

Assembly bill No. 18, an Act providing for a more complete survey and location of the boundary-lines between the Counties of Shasta, Plumas, Siskiyou, and Tehama, was read first and second times, and referred to the delegations from those Districts.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 40, an Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco, was taken up.

On motion of Mr. Grant, the following amendments to section ten were adopted.

Amend section tenth, line fourth, by adding, after the word "work," "at the foot of any street terminating on the water-line, not to exceed in width said street so terminating."

Also amend the same section, line fifth, by striking out the word "wharf," and adding instead, the words "wharves or piers."

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following special report:

MR. PRESIDENT:—On the ——— instant, I presented, in behalf of the Committee on Commerce and Navigation, a report upon Senate

bill No. 40, entitled an Act in relation to a sea-wall or bulk-head in the City and County of San Francisco.

Although I concurred with the Committee in most of their conclusions, as set forth in that report, I dissented from some of the details of the bill, and, in accordance with verbal notice, given at that time, I beg leave to present to the Senate the features of the bill to which I object.

The first and most important point, is the great extent of City-front granted irrevocably to a company by the provisions of this Act. Section two provides that the extent of this Act is hereby limited to the junction of Channel and Fifth streets, on the south side of said City, and to the junction of Larkin and Jefferson streets, on the north side of said City, as said streets are laid down on the official map of said City. Now, the distance between the extreme limits, by the water-line, is about four miles and a-half, while the only portion requiring the construction of a bulk-head, or which is proposed to be improved under the provisions of this bill, in the period of six years from this time, is about, or perhaps a little less, than a mile in extent. It is my settled conviction, that a franchise granted to any company, in this connection, should be limited to such portion of the City-front as it is necessary to improve with a sea-wall or bulk-head. A franchise like this, when once conferred, can not be revoked at pleasure, and it matters but little upon what conditions it is conferred, it will practically be perpetual.

The present and prospective importance of the commerce of the Port of San Francisco forbids that we place in the hands, and under the control, of private parties, every avenue to the principal commercial City of the Pacific, or divest the State of the right to regulate, at all times, this all-important interest.

As the bill, since it was reported by the Committee, has been considered by the Senate, and amended in several particulars, I will only recommend, at this time, that section two be amended, by striking out "Channel and Fifth streets," and inserting "Folsom and Steuart streets," instead thereof—and by striking out "Larkin and Jefferson streets," and inserting "Front and Vallejo streets," instead thereof.

Then, amend the other sections of the bill so as to harmonize with section second, if first section is amended, as herein suggested.

Respectfully submitted,

J. M. McDONALD.

On motion of Mr. Merritt, the bill under consideration was recommitted to the Committee of the Whole.

Pending which, Mr. Pacheco moved that the Senate do now adjourn.

Which was adopted.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

FRIDAY, February 25, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations have had under consideration Assembly bill No. 10, "An Act amendatory and supplementary to an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and herewith return the same, recommending its passage.

Also, Assembly bill No. 44, an Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-third, one thousand eight hundred and fifty, and herewith return the same, with an amendment, and recommend the passage of the bill, when so amended.

JAMES ANDERSON, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 148, an Act authorizing the Board of Supervisors, in and for the County of Butte, to levy a special tax on all taxable property in said County, for contingent expenses;

Also, Senate bill No. 98, an Act to amend an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State;"

Also, Senate bill No. 142, an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt;

Also, substitute for Senate bill No. 47, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

INTRODUCTION OF BILLS.

Mr. Burton, by leave, introduced a bill for an Act to amend an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land donated to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the Committee on Public Lands.

Mr. Burch, by leave, introduced a bill for "An Act providing for the payment of judgments against the several Counties and Cities of this State, and exempting from forced sale, under execution, or other process, all the real or personal property belonging to any County or City of this State.

Which was read first and second times, and referred to the Judiciary Committee.

NOTICES OF BILLS.

Mr. Burton gave notice, that he would, at an early day, introduce a bill for "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax to be levied from foreign and inland bills, and other matter," approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Mr. Pacheco presented a claim of John P. Brodie, for translating State documents and laws into the Spanish language.

Which was referred to the Committee on Claims.

SPECIAL ORDER OF THE DAY.

Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada," was taken up, and, on motion of Mr. Denver, was made the special order of the day for Tuesday, March first, at twelve o'clock, M.

On motion of Mr. Parks, the petitions accompanying Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a free bridge across Feather River," were transmitted, with the bill, to the Assembly.

GENERAL FILE RESUMED.

Senate bill No. 98, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," was read a third time, and passed.

Senate bill No. 55, "An Act to fund the entire indebtedness of Calaveras County, contracted prior to the first day of November, one thousand eight hundred and fifty-eight, and to provide means for the payment of the same," was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 120, an Act to amend an Act entitled an Act to provide revenue for the suport of the Government of this State, passed April fifteenth, one thousand eight hundred and fifty-four, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

Mr. Burton moved to strike out the enacting clause.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Quinn, and Lansing, and taken, with the following result: ayes, 21—noes, 13:

AYES—Messrs. Allen, Baker, Berry, Bradley, Burch, Burton, Denver, Garter, Griffith, Hamm, Holden, Ketcham, Kirkpatrick, Merritt, O'Farrell, Pacheco, Price, Quinn, Redman, and Wheeler—21.

NOES—Messrs. Anderson, Ballou, Dent, Dickinson, Grant, Hart, McDonald, Parks, Parker, Phelps, Thom, Titus, and Williams—13.

So the motion was adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 80, an Act to allow Berthold Hoen to sell real estate;

Also, Senate bill No. 82, "An Act making certificates of purchase evidence of title," with amendments;

Also, Assembly bill No. 16, "An Act concerning roads and highways;"

Also Assembly bill No. 147, "An Act creating a Contingent Fund for Shasta County;"

Also Assembly bill No. 167, "An Act to provide for the purchase and erection of hydrants, in the City and County of San Francisco;"

And, on the twenty-third instant, adopted Assembly Concurrent-Resolution No. 34, relative to canceling paid State Warrants, and appointed Committee, on the part of the House, Messrs. Lamar, Squires, and Mathews, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

FEBRUARY 25, 1859.

Senate bill No. 82, "An Act making certificates of purchase evidence of title," was taken up, and amendment of Assembly to section first, first line, concurred in.

And, on motion of Mr. Burch, the bill was recommitted to the Committee on Public Lands.

Assembly bill No. 16, "An Act concerning roads and highways in San Mateo County," was read first and second times, and referred to the San Mateo delegation.

Assembly bill No. 147, "An Act creating a Contingent Fund for Shasta County," read first and second times, and referred to the Senator from that District.

Assembly bill No. 167, "An Act to provide for the purchase and erection of hydrants, in the City and County of San Francisco," read first and second times, and referred to the San Francisco and San Mateo delegation.

Assembly Concurrent-Resolution No. 34, relative to canceling paid State Warrants, was, on motion of Mr. Dickinson, laid on the table.

On motion of Mr. Berry, D. R. Dale was allowed to withdraw certain papers.

On motion of Mr. O'Farrell, Assembly bill No. 87, an Act to define the boundaries, and to provide for the organization of Mendocino County, was made the special order of the day for Friday, March the fourth, at twelve o'clock, M.

FURTHER SPECIAL ORDER OF THE DAY.

Assembly bill No. 49, "An Act supplementary to an Act entitled an Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty, was, on motion of Mr. Williams, made the special order of the day for Thursday, March third, at twelve o'clock, M.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 2, an Act amendatory of, and supplementory to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-seven, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight;

With Senate bill No. 103, an Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight;

Were, on motion of Mr. Griffith, made the special order of day for Friday, March fourth, at twelve o'clock, M.

GENERAL FILE RESUMED.

Assembly Joint-Resolution No. 28, "relative to the appointment of a Commission for the care of sick, indigent, or destitute immigrants," was read a third time, and passed.

Assembly bill No. 172, "An Act to authorize Michael Massett to remove the remains of deceased persons," read a third time, and passed.

Assembly bill No. 151, "An Act to change the names of certain persons therein named," read a third time, and passed.

Senate bill No. 121, "An Act concerning the office of Sheriff, in and for the Counties of Solano and Contra Costa"—

On motion of Mr. Griffith, the rules were suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 106, "An Act to amend an Act entitled an Act to create the office of State-Printer, define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-four, was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

President *pro tem.* in the Chair.

Senate bill No. 125, "An Act relating to the sureties on the official bond of Henry Bates, late State Treasurer," was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Burton moved that Senate bill No. 131, an Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive, be taken up.

Mr. Griffith moved to make the bill the special order of the day for Wednesday, at twelve o'clock, M.

Upon which, the ayes and noes were demanded, by Messrs. Burton,

Berry, and Merritt, and taken, with the following result: ayes, 4—noes, 23:

AYES—Messrs. Allen, Griffith, Hart, and Parker—4.
NOES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dent, Dickinson, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Phelps, Price, Redman, Thom, Wheeler, and Williams—23.

The bill was then taken up, considered in Committee of the Whole, and amended.

Pending which, Mr. Burch moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs Griffith, Burch, and Lansing, and taken, with the following result: ayes, 18—noes, 12:

AYES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Garter, Hamm, Ketcham, Kirkpatrick, Merritt, O'Farrell, Pacheco, Parks, Price, Redman, Thom, Wheeler, and Williams—18.
NOES.—Messrs Anderson, Burton, Dent, Dickinson, Griffith, Hart, Lansing, McDonald, Parker, Phelps, Quinn, and Titus—12.

So the motion was adopted.

Approved.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

SATURDAY, February 26, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Price presented a petition from Thomas Mooney, relative to the discipline of the State-prison, etc.

Which was referred to the State-prison Committee.

Mr. Denver presented a petition from citizens of El Dorado, relative to the Indian war in said County in the year one thousand eight hundred and fifty-one.

Which was referred to the Military Committee.

REPORTS.

Mr. Bradley, of the Engrossing Committee, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 125, "An Act relating to the sureties on the official bond of Henry Bates, late State Treasurer," and find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 140, an Act to amend "An Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty, have had the same under consideration, report the bill back, and recommend its passage.

Senate bill No. 34, "An Act for the establishment and creation of a State Reform School"—a majority of your Committee recommend its indefinite postponement, and the minority recommend its passage, after amending section three, line first, by striking out the word "twenty," and inserting "five."

Senate bill 133, an Act amendatory of an Act entitled "An Act to regulate proceedings in civil cases," passed April twenty-ninth, one thousand eight hundred and fifty-eight—Messrs. Anderson, Garter, and Williams, recommend its passage, and Messrs Burch and Merritt recommend it be indefinitely postponed.

Senate bill No. 113, an Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain persons therein named, has also been under advisement, and is herewith reported back, amended, with the recommendation that it pass, as amended:

Amend section three, line sixteen, by inserting after the word "thereof," the words, "and said Company shall keep said draw open at any and all times required, for the purpose of navigation of the river."

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 61, "An Act concerning the officers of Calaveras County, and the collection of poll-taxes, license-taxes, and foreign miners' license-taxes, in said County," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures, to whom was referred the accounts of John P. Brodie, for translating into Spanish, and correcting the proofs of:

Governor's Messsage, containing	333 folios.
Controller's Report, containing	189 1-5 folios.
Treasurer's Report	181 1-2 folios.
Report of State-prison Directors, containing	205 2-3 folios.
Report of the Superintendent of Public Instruction	389 1-2 folios.
Total	1300 1-2 folios

Have had the same under consideration, and beg leave to report the accounts back to the Senate as correct, with the recommendation that the sum of six hundred and fifty dollars and forty-six cents, being one-half of the amount due by the State to said Translator, be paid out of the Contingent Fund of the Senate, in conformity with Assembly Concurrent-Resolution, passed February nineteenth, one thousand eight hundred and fifty-nine.

THOM, Chairman.

Report accepted, and, with accounts, placed on file.

Mr. Holden, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT;—The Committee on Swamp and Overflowed Lands have had under consideration Senate bill No. 107, for an Act defining the duties of the Surveyor-General of this State, in relation to swamp and overflowed lands, and report the same back, with amendments, and recommend the passage of the bill, as amended.

MERRITT, } Of Committee.
HOLDEN, }

In the eighth line, strike out "may," and insert "shall."

In the eighth line, strike out "if in his judgment the rights of the case demand it."

Strike out all after the sixteenth line, and insert:

"*Provided, further*, that nothing in this Act shall authorize the issuance of more than one new certificate for the same land."

In section two, strike out all after "shall," in the third line, and insert "order a new certificate to be issued by the Register of the State Land Office, setting forth the facts on the surrender of the former certificate, issued by the Secretary of State."

Report accepted, and, with bill, placed on file.

Mr. Grant, of the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The Special Committee, consisting of the San Francisco and San Mateo delegation, to whom was referred Assembly bill No. 167, an Act to provide for the purchase and erection of hydrants in the City and County of San Francisco, have had the same under consideration, and recommend its passage, without amendment.

GRANT, for Delegation.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Wheeler, by leave, introduced a bill for "An Act to fix the time for the commencement of the terms of the District Courts, County Courts, and Courts of Sessions, in the Counties of Sutter and Yuba."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Burton, pursuant to notice, introduced a bill for an Act entitled an Act to provide revenue for the support of the Government of the State, from a tax to be levied and collected from foreign and inland bills, and other matter, approved April twenty-ninth, one thousand eight hundred and fifty-seven

Which was read first and second times, and referred to the Committee on Finance.

REPORT

OF SPECIAL INVESTIGATING COMMITTEE.

Mr. Dent, Chairman of the Special Joint Committee, on the part of the Senate, who were appointed to investigate the affairs of the State Insane Asylum, made the following report:

The Special Joint Committee appointed to investigate and report on the affairs of the State Insane Asylum, having fully examined into the same, make the following

REPORT:

In accordance with the directions of the Legislature, your Committee convened at the City of Stockton, on Monday, February seventh, one thousand eight hundred and fifty-nine, and proceeded to a full and thorough investigation of the various charges of mal-administration, etc., made against the Asylum, as well as into its financial and general management.

Inasmuch as the case of the unfortunate Mr. Otis Brett was one of the principal matters demanding inquiry, we proceeded to call before us, as witnesses, his brother, Mr. J. R. Brett; also, Drs. G.W. Ryer and Nicholas Sposati, who had charge of him after his removal from the Asylum; Dr. Norcom, Consulting-Physician; Dr. Thomas Kendall, Assistant-Physician at the Insane Asylum; and Messrs. Trainer, Luckett, and Foley, under whose charge and keeping, as Keepers and Assistant-Keepers, he had been placed while in the Asylum; and Mr. Tullock, of Knight's Ferry, whose testimony was by us reduced to writing, and is herewith presented and made a portion of our report. For the purpose of more fully investigating this matter, we then went to the Town of Sonora, in Tuolumne County, from which place Mr. Otis Brett was conveyed to the Asylum, and there took the testimony of J. F. McFarlane, Charles F. Dodge, H. B. McNeil, E. R. Pope, H. Patterson, W. W. Traylor, L. B. Blake, A. D. Seavey, H. Baker, and W. P. Gibbons, as well as that of Messrs. George Douglass, W. E. Stewart, and Stephen Bishop, at Knight's Ferry, as to the condition of Mr. Brett prior to his being conveyed to Stockton, and while on his way there. From all of the testimony taken, and everything learned by us after a most rigid and scrutinizing investigation, your Committee report, with reference to this case, that it is unquestionable that Mr. Brett had suffered some injury to his feet, either from some constitutional disorder, or from some cause occurring during his insanity, and prior to his being sent to the Asylum, that can not be ascertained, which produced the disease that occasioned their amputation. While he was confined in the County-jail, at Sonora, he received every attention that could be bestowed, at a place of confinement, upon a person in his situation. There is no reason to believe he suffered, either from cold or neglect, while there. Other persons were confined in the same building,

during the whole of the time he was there, without inconvenience or injury to them. As will appear from the evidence, he was, a portion of the time, very violent, kicking the doors and walls with his feet, and thus, perhaps, aggravating any injury they might have received prior to that time. On his way to Stockton, he was heavily ironed, but no more so than one other patient taken down at the same time, and with the same kind of irons used in the Jail, upon the persons of many criminals confined there, as well as upon those worked on the public streets. Immediately upon his arrival at the Asylum, his irons were removed from him, and he was placed in a comfortable room, in the mad-house, the temperature of which was never allowed to be lower than sixty-two degrees of Fahrenheit. He was plentifully supplied with bed-clothing upon the first night of his arrival, which he destroyed during the night.

The next day he was supplied with abundance of clean straw, with blankets, and everything done to render him comfortable. As soon as his paroxysms were reduced, he was again supplied with mattress and bedding. As soon as his feet showed signs of disease, they were carefully and skillfully treated, everything being done for them which the nature of the disease demanded, or which would be beneficial to the parts affected.

We report, in fine, that Mr. Brett received no injury at the Asylum, of any kind whatever, and that he received every care and attention, that medical knowledge, coupled with rare and extraordinary kindliness of heart, could dictate or advise. As conclusive proof of the unquestionably judicious treatment received by Mr. Brett, we will only say that, on the first day of January last, he was received into the Asylum, a violent, raving maniac, utterly berefit of reason, and that, under the ministrations of the Resident and Assistant Physicians, he left it nine days afterwards, clothed in his right mind, a same and rational man.

We have deemed it proper to dwell upon this case somewhat at length, from the attention it has attracted before the public, in order that the great injustice that has unwittingly been done to an Institution, which, under its existing management, stands as one of the highest honors of our State, may be corrected and atoned for.

GENERAL MANAGEMENT.

With reference to the general management of the Asylum, we took much testimony, which is also annexed to our Report. We will briefly state its substance:

The wards, rooms, and different apartments of the Asylum, are kept scrupulously neat and clean. The beds and bedding are of good plain quality, and sufficient in quantity. The patients present a neat and clean appearance, with sufficiency of clothing, always kept clean. Once in every week, and upon a regular day, every patient receives a bath, and an entire change of clothing. The same, also, with the bedding. At five and a half P. M. of each day, at the ringing of the bell, it is the duty of each Keeper, and his assistants, throughout the Asylum, to see to getting the patients in their wards up, have them dressed, and ready for their breakfast. At this time, also, Dr. Aylett, the Resident Physician, commences his first regular daily round, passing through all portions of the Institution, attending to the wants and necessities of the patients, and seeing that each one is properly cared for. At six o'clock, A. M., the pa-

tients all are taken to their breakfast, there being, at the present time, by the improvements made by Dr. Aylett, a separate dining-room for each ward. One half hour is allowed for breakfast, when the first Keepers breakfast; then, at seven o'clock, A. M., the second Keepers. The Keepers then carry their food to all such patients as are unable to go to the dining-room. After breakfast, Dr. Thomas Kendall commences his daily round through the Asylum, visiting all parts thereof, and personally attending to the wants and necessities of the inmates. At twelve o'clock, M., dinner for patients; at half past twelve, for First Keepers; at one o'clock, P. M., for Second Keepers, when meals are carried to all the patients unable to leave their rooms. At half past four, P. M., supper for the patients, and then for others, as the other meals. The quantity of provisions furnished is abundant for the wants of all, and the quality good. The cooking and preparation of meals is well and carefully attended to, so that the patients fare as well and comfortably as possible with the limited means at the command of the officers. The whole appearance of the culinary and eating departments is much more suggestive of a well-ordered and properly regulated hotel, than a place of confinement. After supper, Dr. Aylett again makes a visit to all parts of the Asylum, attending to the wants of the patients, seeing that all are properly cared for, making two regular rounds, in addition to his constant daily and nightly attentions. At eight o'clock, P. M., all the patients retire to their beds.

In addition to this regular daily routine, Dr. Aylett is both day and night in attendance upon the Asylum, devoting his entire time and attention to the care and comfort of the inmates. He is also unremitting in his endeavors to furnish or invent amusement which will tend to distract their attention from their unfortunate condition, superintending and encouraging them in their enjoyments. In each week, the more rational are allowed a little time for music and dancing, as well as many other rational and agreeable means of diversion.

In his intercourse with the patients, Dr. Aylett conducts himself, and is evidently regarded by them, more in the light of a father or friend than any other, his whole treatment plainly showing that he regards his duty to them as a great and responsible one, which he desires faithfully to discharge. One fact, which we will name, affords abundant proof of the care exercised over the inmates of the Institution: at the date of our investigation there were three hundred and one (301) patients, and not a single case of sickness, other than one or two chronic cases, which have had their origin long since;—no case of general disease.

IMPROVEMENTS.

In pursuing our investigation, we have also examined the new buildings and improvements erected by order of the last session of the Legislature. They consist in part of a male and female mad-house; an extension to the kitchen building, in which are also now located a bakery for the Asylum, and a store-room; a brick wall surrounding the yard; a tower and tank, for the purpose of supplying the Institution with water; a steam-engine and pump; bath-houses, cess-pools, drains, etc. The work, we found from a personal investigation, and from the testimony of builders and other competent judges, to have been done in the most substantial and durable manner. We examined the proposals for their construction, and the awards of the Trustees, and found the contracts to have been let to

the lowest and best bidder—in every instance the original bidders complying with their proposals, except for the plumbing work, the contract for that work having been let to the lowest bidder. He failed to file his bonds, and refused to accept the award—when the contract was given to the next lowest. In superintending the construction of these works, the Trustees gave a large portion of their time gratuitously to the State, and in all things connected with it evinced a desire, upon their part, to protect to the fullest extent, the interest of the State.

By the provisions of the law providing for the erection and construction of these buildings and improvements, the Board of Trustees were required to appoint an architect, who should make out all necessary plans and specifications for the construction thereof, and have the general superintendence of the whole work. As to the kind of material employed, and the manner of performing the work, the Trustees selected Mr. M. F. Butler, for this position, whose plans and specifications were adopted, and who superintended the completion of the work. We examined the plans and specifications carefully, and found that in their adaptability to the object designed, and completeness of detail, they reflected great credit upon the architect, which, taken in connection with the evident care exhibited by him in attending to the compliance with them by the contractors, establishes the wisdom of the course pursued in appointing an Architect, as well as the propriety of the action of the Trustees in their choice of a person to carry on this work. In the completion of these improvements, a deficiency of $1,289 29 occurred in the appropriation, which is the only deficiency of any kind that has accrued during the present fiscal year.

FINANCIAL.

Prior to the present fiscal year, the Asylum has labored under difficulties arising from a scarcity of money to provide for its wants. After the decision of the Supreme Court, declaring the State debt unconstitutional—owing to an entire absence of funds, and want of credit, it was placed in a very precarious and straitened condition. A large number of unfortunates were there confined, the Superintendent seeing and knowing their necessities, and yet utterly unable, so far as aid from the State was concerned, to procure even the commonest necessaries of life for them. Great thanks are due to many of the citizens of Stockton, who then, in its time of need, furnished it the necessary supplies, at charges but little above cash prices, trusting to the honor of the State for repayment. It is to be regretted that the State has so long neglected these just and meritorious demands; and your Committee earnestly recommend that immediate steps be taken to provide for this indebtedness. During the last fiscal year an indebtedness was also contracted for absolute necessaries for the use of the Institution. This was owing to the limited appropriation that had been made for that year. We are satisfied, from a full investigation of these deficiencies, that the debts are just and meritorious claims against the State, and were necessarily contracted for the subsistence of the Asylum.

INDEBTEDNESS OF THE ASYLUM.

The following is a statement of the entire indebtedness of the Asylum at the present time:

Statement, showing the Total Indebtedness of the State Insane Asylum, up to the present time, (February 4, 1859.)

Amount contracted during the fiscal year commencing February 1, 1856, and ending January 31, 1857, (see Report of Trustees, page 9, "B,")	$9,225 35
Amount contracted during the fiscal year commencing July 1, 1857, and ending June 30, 1858, (see Schedule "C," Trustees' Report)	17,284 25
Amount contracted under the special appropriation of $40,000 for additional buildings, and other improvements, (see Report of Trustees, page 19, "D,")	1,289 29
Total	$27,798 89

This comprises the total indebtedness of the Asylum up to the present time.

In one thousand eight hundred and fifty-seven, by an Act of the Legislature, the fiscal year was made to commence on the first day of July, instead of the first of February, as before; and, for the support of the Institution, for the five months commencing February first, one thousand eight hundred and fifty-seven, and ending June thirty, one thousand eight hundred and fifty-seven, an appropriation was made of sixteen thousand dollars, besides an appropriation of two thousand nine hundred and seventeen dollars, which had been previously made. No indebtedness accrued during this interval, and none has accrued during the present fiscal year, other than that reported by the Trustees in their last annual report, (see printed report, page 19, "D,") amounting to one thousand two hundred and eighty-nine dollars, and twenty-nine cents, which is a deficiency in the special appropriation for additional buildings.

At the session of one thousand eight hundred and fifty-eight, the law relative to the Asylum was so amended as to allow the Superintendent, (Dr. Aylett,) to make out his requisition upon the Trustees for such supplies as should be needed, and directing them to advertise for contracts to furnish them. The sum of fifty-five thousand dollars was appropriated for the general charges of the Asylum for the fiscal year beginning July first, one thousand eight hundred and fifty-eight, and ending June thirty, one thousand eight hundred and fifty-nine. Under this provision of the law, proposals were invited for supplying the wants of the Asylum, and contracts awarded. We have examined the bids and awards, and find them all properly made. Annexed to this report will be found a statement of the prices paid for the various articles needed and procured. By the testimony annexed, it will appear that these prices are almost all below the market-price, and that the utmost care is taken to secure their proper delivery.

BOOKS AND ACCOUNTS.

The books and accounts of the Asylum are kept in a most creditable manner—every article purchased, from whom, the time when, for what purpose expended, and the price paid, plainly appears. Every account the Asylum has with any person is balanced and discharged at the end

of every month—everything appearing on the books of the Asylum. The expenditures have never been allowed, during the present fiscal year, to exceed the monthly appropriation. The most rigid and exact system obtains in the whole financial operations of the Asylum, coupled with the most careful economy.

STEWARD.

Mr. William Gravatt, the Steward of the Asylum, certainly demands our commendation. He has entire charge, under Dr. Aylett, of the stores and effects of the institution; and has certainly proved himself a most able and efficient officer—entitling him to an endorsement at our hands.

KEEPERS.

The Keepers, and their assistants, from our investigation, appear to be imbued with the same spirit which evidently has characterized the conduct of the Superintendent—a careful attention to the wants and necessities of the patients, and a faithful, constant endeavor, to properly discharge their obligations to the Asylum, together with an evident desire to aid and support the Superintendent in his projects for the benefit of the inmates. They appear to have been employed with especial reference to their fitness and capacity for the positions they occupy.

TRUSTEES.

The Board of Trustees, without hope or expectation of reward, have cheerfully and generously devoted their time and services to the advantage of the Asylum. They have certainly well earned the gratitude of the State, for their constant and unrequited care over it, while, too frequently, their acts have been the subject of misrepresentation and obloquy. They need no better endorsement than a free and complete investigation of their actions will afford.

DR. AYLETT.

It is difficult for your Committee to express their high sense of the worth of this gentleman, and the most honorable manner in which he has discharged his obligations to the patients under his care. It will be impossible to commend it too highly. He has carefully and honestly guarded the financial and business affairs of the Asylum—has shown a most sleepless vigilance, in watching over the interests and well-being of the patients, and, in every act, has shown a kindness of heart, and an uprightness and honesty of principle, that entitle him to the highest honor. No father could more kindly and considerately watch over and care for an afflicted child, than does he over the numerous unfortunates committed to his care. Day and night he watches over their necessities and wants—ministers to their pleasures and enjoyments, and devotes himself to their welfare.

Our investigation of his whole course has been most thorough and complete. Every act and incident have been inquired into. We have examined attachés of the Asylum, and those whom he has discharged—citizens, physicians, those having friends at the Asylum—and have investigated personally and thoroughly ourselves.

No possible report can confer higher honor upon him than the result

of that investigation. It is greatly to be regretted that anonymous attacks should have been made upon his conduct, when he is shown to have been so blameless. They must have been actuated by some hidden and unworthy motive.

In his constant attention to the interests of the Asylum, he has been ably and cordially seconded by Dr. Thomas Kendall, the Assistant-Physician, who has shown an equal desire to elevate its character and benefit its inmates. We are constrained to believe, from our examination, that the management of the California State Insane Asylum will compare favorably with any institution of the kind in the world.

The appropriation made for the present fiscal year, was but a scanty supply for the wants of the patients at that time in the Asylum; the number has since largely increased, so that at the time of closing our investigation there were three hundred and one (301) inmates. The appropriation for the remainder of this fiscal year will only afford about fifteen dollars ($15) per month for the subsistence, care, and keeping of these patients; this is much too small an amount—it restricts the patients to the most absolute necessaries of life alone. This number of patients is constantly increasing; there have been some eight or ten conveyed there since our investigation; if the number so continues to increase, the appropriation will be entirely inadequate for their support. In view of this state of affairs, we recommend an additional appropriation of twenty-four hundred dollars ($2,400) for the last four months of the present fiscal year; by this means, all danger of want will be avoided. We have also deemed it advisable to recommend an appropriation of seventy-five thousand dollars ($75,000) for the ensuing fiscal year. This would afford nineteen dollars and fifty-three cents ($19 53) per capita, per month, for three hundred and twenty patients (320); there is little reason to believe that the number will fall short of our estimate.

Annexed, we give a statement of the average expense, per capita, of this Asylum, as also, of several Asylums in the Eastern States, as appears from their reports. From this statement, it will be seen that the expenditures in this State are less than many of the older States.

The more violent patients, during their paroxysms, are confined in the rooms in the mad-house. It sometimes happens that they, in their violence, injure themselves, by beating against the walls; this may be avoided by making a small appropriation for lining and padding some of these rooms. There are other improvements the necessities of the Asylum demand; all of these may be accomplished by the same appropriation, of, say five thousand dollars ($5,000.)

Your Committee would urge upon the consideration of the Legislature the duty of acting in such a manner as to make this Asylum efficient for the purposes for which it was intended. The investigation we have made warrants us in asserting, that whatever appropriation may be made, will be honestly, faithfully, and economically applied to the purposes for which they are intended.

GEO. W. DENT,
Chairman of the Senate Committee.
C. J. LANSING.
HUMPHREY GRIFFITH.
JOHN A. EAGON,
Chairman of the Assembly Committee.
JAS. BURDICK.

From the views and conclusions of the majority of the Committee, in relation to the case of Mr. Otis Brett, I most respectfully dissent, and shall therefore take occasion, at an early day, to submit to this honorable body a Minority Report, embracing my views in relation to the same.

C. E. DeLONG.

RULES AND REGULATIONS.

RULE FIRST.—It shall be the duty of the Steward to attend to receiving all supplies, and to keep a correct account of the same, and to exercise a general superintendence over the culinary department, dining and store-rooms, and shall act entirely under the instructions of the Superintendent.

RULE SECOND.—The Matron shall have control over the Female Ward, and shall make a daily report to the Physician, in regard to the condition of the patients under her charge.

RULE THIRD.—The Clerk shall keep a careful record of the arrival, death, and discharge of patients. He shall also attend to the general correspondence, and keep what should properly constitute the records of the Institution, and shall not leave the premises without the permission of the Resident-Physician.

RULE FOURTH.—Principal Keepers shall have control over their respective wards, and shall act under the instructions of the Physician only, to whom they shall make a daily report in regard to the condition of their respective patients.

RULE FIFTH.—Assistant Keepers shall be under the control of the Principal Keepers of the wards in which they are employed.

RULE SIXTH.—Keepers in female wards shall be under the control of the Matron.

RULE SEVENTH.—No Keeper will be permitted to leave the Institution without the permission of one of the Physicians.

RULE EIGHTH.—It shall be the duty of the Watchman to go on duty at dark every evening, and remain until daylight, and to make hourly rounds through the Asylum.

RULE NINTH.—Keepers will not be permitted to interfere with the duties of each other.

BIDS,

For the furnishing of Materials, and building and completing Mad-Houses, Walls, and other Improvements, according to the Plans and Specifications.

No. 1...	Merritt & Smith	$32,500 00
No. 2...	M. Fennel	25,000 00
No. 3...	G. W. Blake, (awarded,)	21,431 00
No. 4...	Knox & Turton	29,850 00
No. 5...	Joseph Nougues	22,540 00
No. 6...	Craiger & Gold	34,750 00
No. 7...	J. J. Denny	29,883 00
No. 8...	Day & Wall	33,500 00
No. 9...	Leonard & Denver	28,050 00

For Plumbing-Work.

D. W. Clark	$3,500
J. P. Muldoon	6,250
John Robinett	5,124

Contract awarded to Clark, but he failing to give bonds, it was awarded to Robinett, next lowest bidder.

EXPENSES.

August, 1857.		
Expended in August, 1857		$3,859 12
No. of Patients	169	
Cost per capita		22 24½
Extraordinary Expenses, not included in the Amount $3,859 12, Expended in the Month of August, 1857.		
Repairs on Fence		248 98
Repairs on Water-Tank		250 00
September, 1857.		
Expended in September, 1857		$4,387 00
No. of Patients	172	
Cost per capita		25 50
Extraordinary Expenses.		
Carpenter work		349 40
Kitchen, Stove and Furniture		532 25
October, 1857.		
Expended in October, 1857		$4,270 26
No. of Patients	169	
Cost per capita		25 21
November, 1857.		
Expended in November, 1857		$5,029 84
No. of Patients	179	
Cost per capita		28 10

DECEMBER, 1857.		
Expended in December, 1857		$5,700 09
No. of Patients	188	
Cost per capita		30 31¼
JANUARY, 1858.		
Expended in January, 1858		$5,913 96
No. of Patients	203	
Cost per capita		24 20
FEBRUARY, 1858.		
Expended in February, 1858		$4,586 00
No. of Patients	207	
Cost per capita		22 15½
*MARCH, 1858.		
Expended in March, 1858		$5,825 33
No. of Patients	227	
Cost per capita		25 66
*APRIL, 1858.		
Expended in April, 1858		$5,241 93
No. of Patients	243	
Cost per capita		21 11½
Extraordinary Expenses.		
Force-Pumps, Lead Pipe, Chains, Labor, etc.		192 20
Lumber		358 10
Castings for Horse-Pump		78 00
*MAY, 1858.		
Expended in May, 1858		$5,398 73
No. of Patients	245	
Cost per capita		22 03½

* March, April, and May, were on the credit system entirely; and pretty much so with all from January, 1858, to June, 1858.

June, 1858.		
Expended in June, 1858		$5,372 70
No. of Patients	249	
Cost per capita		21 17
July, 1858.		
Expended in July, 1858		$4,445 04
Number of Patients	262	
Cost per capita		16 96
August, 1858.		
Expended in August, 1858		$4,584 88
Number of Patients	267	
Cost per capita		17 17
September, 1858.		
Expended in September, 1858		$4,583 12
Number of Patients	272	
Cost per capita		16 84¾
October, 1858.		
Expended in October, 1858		$4,297 02
Number of Patients	268	
Cost per capita		16 03
November, 1858.		
Expended in November, 1858		$4,447 18
Number of Patients	273	
Cost per capita		15 11¾
December, 1858.		
Expended in December, 1858		$4,562 38
Number of Patients on hand	275	
Cost per capita		16 59

Average.	
Average Expenditure per Month, from August 1, 1857, to December 31, 1858	$4,835 56
Average Cost per capita, per Month, from August 1, 1857, to December 31, 1858	21 55½
Average Expenditure, per Month, from January 1, 1858, to December 31, 1858	4,913 19
Average Cost per capita, per Month, from January 1, 1858, to December 31, 1858	19 58½
Average Expenditure, per Month, from July 1, 1858, to December 31, 1858	4,439 90
Average Cost per capita, per Month, from July 1, 1858, to December 31, 1858	16 45½

COMPARISON WITH OTHER ASYLUMS FOR THE INSANE.

State Lunatic Asylum, Utica, N. Y., in 1858.

Amount Expended		$95,387 61
Number of Patients	463	
Cost per capita, per Annum		206 45
Cost per capita, per Month		17 20 5-12

Butler Asylum, Rhode Island, in 1857.

Amount Expended		$29,697 84
Number of Patients	138	
Cost per capita, per Annum		213 74½
Cost per capita, per Month		18 22 10-12

Pennsylvania State Lunatic Hospital, in 1857.

Amount Expended		$55,387 82
Number of Patients	246	
Cost per capita, per Annum		229 85
Cost per capita, per Month		18 31½

New Jersey State Lunatic Asylum, (Trenton,) in 1853.

Amount Expended		$38,009 47
Number of Patients	231	
Cost per capita, per Annum		164 76
Cost per capita, per Month		13 73

Average.

Average Cost per capita, per Annum, of these four Asylums	$203 70
Average Cost per capita, per Month, of these four Asylums	16 61¼

EVIDENCE RELATING TO CONTRACTS, ETC.

Milk—Per gallon	$ 0 29
Meat—For patients, per pound	8
Best cuts, for Doctors' table	12½
Wood—For Cord-Wood	5 75
And six dollars and ninety-seven and a half cents	6 97½
Groceries and Provisions:	
No. 1 China Sugar, per pound	12
San Francisco refined, crushed, per pound	14
Rio Coffee	14
Black Tea, per samples	50
Black Tea, per samples	1 00
Green Tea	50
Green Tea	1 12½
Carolina Rice	7
Clear Pork, per barrel	28 50
California or Oregon Bacon, per pound	24½
California or Oregon Hams, per pound	24½
Adamantine Candles, 20-pound boxes, 6's, per pound	28
Alden's Lard, 10-pound tins, per pound	18
Buckets, 3-hoop	4 50
Brooms, No. 1	6 25
N. O. Molasses, per gallon	60
Winter strained Sperm Oil, per gallon	1 70
Colgate's C. O. Soap, per pound	11
Dry Goods and Clothing:	
Gray satinet Pants, per dozen	28 00
Gray satinet Pants, No. 2, per dozen	28 00
Gray flannel Overshirts, per dozen	18 00
Gray Blankets, per dozen	27 00
Best Hickory Shirts, per dozen	6 00
Hickory Shirts, second quality, per dozen	——
Wove Socks, No. 1, per dozen	2 25

Black Wool Hats, No. 1	$11 00
Men's ½ welt wax Brogans	21 00
Men's pump sole Brogans	19 00
Men's ½ welt wax Brogans	21 00
Men's pump sole calf	13 00
Ladies' kid welt Bootees	14 00
Ladies' goat polka Boots	14 00
Ladies' kid pump lace Boots	13 00
Potatoes—Per bag	1 45
Butter—Fresh Roll, per pound	45

E. T. CRAMPTON.

GEORGE H. SANDERSON.

Reside in Portland; am engaged in the grocery business. I have a contract with the Asylum; have had two contracts; the first commenced August first, one thousand eight hundred and fifty-eight, and expired on the first of December, one thousand eight hundred and fifty-eight; the one I am now under commenced December first, one thousand eight hundred and fifty-eight, and runs six months; the contracts were for the supply of groceries and provisions; the contract price, under the first contract, was:

No. 1 China Sugar, per pound	$0 11
Crushed Sugar, per pound	17
Best quality Rio Coffee, per pound	14½
Black Tea	50
Black Tea	40
Green Tea	55
Green Tea	1 12½
Carolina Rice	7
Clear Pork	14
Best quality of sugar cured Hams	23
Best quality [illegible] ([illegible])	25
Best quality [illegible]	9½
Adamantine Candles, 20 pound boxes	22
Common Candles	22
Allen's best Lard, 20 pound tins	24
Extra Family Flour, per barrel	4 50
No. 1 [illegible] Flour, per barrel	4 50
Good article of Philadelphia Syrup, per gallon	40
Sperm Oil	1 75

These prices for all these articles, at the time of making the contract, were the very lowest wholesale cash prices at which I sold.

The prices under my second contract, commencing December first, one thousand eight hundred and fifty-eight, are as follows:

No. 1 China Sugar, per pound	$0 12
Crushed Sugar, per pound	14
Rio Coffee, per pound	14
Black Tea, per pound	50
Black Tea, per pound	1 00
Green Tea, per pound	50
Green Tea, per pound	1 12½
Carolina Rice, per pound	7
Clear Pork, per barrel	28 50
Oregon Bacon, per pound	24½
Oregon Hams, per pound	24½
Candles, per pound (20-pound boxes)	28
Alden's Lard, per pound	18
Three-hooped Buckets, per dozen	4 50
No. 1 Brooms, per dozen	6 25
Philadelphia Syrup, per gallon	60
Sperm Oil, per gallon	1 70
C. O. Soap	11

The prices are, at the present time, lower than the lowest cash-prices for which I sell at wholesale, out of my store; all articles charged are delivered at the Asylum, and a pass-book kept, and, beside the pass-book, I make out a regular bill every month; all my bills for supplies furnished, under both of these contracts, are all paid, saving a small balance on the last contract, of about $40, which is now due, and which I have neglected to call for.

GEO. H. SANDERSON.

EDWARD HICKMAN.

I reside in Stockton; am a merchant, and a member of the firm of Gray & Hickman.

Our firm has the contract with the Asylum to supply all dry goods and clothing required for the Asylum.

The Asylum keeps a pass-book for the entry of all articles purchased of us; we make the entry on the pass-book, and charge the Asylum with the same on our books; we render our account monthly, on the last day of each month; we render our account in detail, giving each article, and the price charged. The account rendered is a correct account drawn from our books; every article sold to the Asylum is charged as soon as delivered; none are ever charged until delivered; the prices charged at all times correspond with the contract-price; the accounts here presented, being monthly accounts from the month of July, one thousand eight hundred and fifty-eight, to January, one thousand eight hundred and fifty-nine, inclusive, are correct accounts rendered from our books, and all the articles charged in them, were delivered by us to the Asylum at the prices marked, which were the contract-prices; the average of the prices charged is lower than our daily cash-prices to wholesale customers for the same articles. All of these accounts have been fully paid; we have a bill for blankets furnished the mad-house which has not been paid; it amounted to one hundred and thirty-six dollars and twenty-five cents;

it was to be paid out of the fund for furniture for the mad-house, which I understood to have been exhausted, leaving this balance unpaid.

EDWARD HICKMAN.

WILLIAM WARD.

I reside in Stockton; I was engaged in butchering; last Fall I had the contract to supply the Asylum with meat from the first of August to the first of December, one thousand eight hundred and fifty-eight; the prices I received, per contract, were: for meats for Dr. Aylett's table, twelve and a half cents per pound, and for the Asylum, eight cents per pound; this included all kinds of meat required for the use of the Asylum; I delivered the meat daily, as required, at the Asylum, to the steward; it was weighed at the Asylum, the steward seeing to the weight; I rendered my account monthly, from my books; the Asylum also kept a regular pass-book, upon which every thing was charged; every article charged on my books against the Asylum was delivered before being charged; all my accounts against the Asylum, under this contract, are paid; the bills here exhibited, are all correct; the articles charged, were all sold and delivered to the Asylum, and the prices have been paid; the prices charged under contract were a great deal lower than cash-prices to other customers at that time; then we did not sell any kind of meat outside of this contract for less than from twelve and a half cents to fifteen cents per pound; the meat sold to the Asylum was already dressed and ready for use.

WM. WARD.

D. J. OULLAHAN.

I reside in Stockton; am a forwarding and commission-merchant in Stockton; also engaged in farming; I have the contract for supplying the Asylum with wood; the contract price is: for stove-wood, six dollars ninety-seven and a half cents per cord—cord-wood, five dollars and seventy-five cents per cord; I deliver the wood at the Asylum; Mr. Gravatt, the Steward, receives it; it is always corded and measured on the Asylum grounds; I deliver it in large quantities; in cording and measuring the wood at the Asylum, they pile it so compact and close that I am compelled to deliver much more than I receive; I suffer a loss of fifteen per cent. by their cording, and the Asylum gains in the same proportion; the usual price, at the present time, for the same character of wood that I deliver to the Asylum, is: eight dollars for stove-wood—six dollars for cord-wood; when I took the contract, cord-wood was selling at about five dollars and seventy-five cents, and stove-wood at seven dollars.

D. J. OULLAHAN.

R. S. BATES.

Reside in Stockton; of the firm of Bates & Hill, dealers in vegetables; we have the contract to supply the Asylum with potatoes; the contract-price is one dollar and forty-five cents per hundred; we deliver No. 1 potatoes; they are worth from two and one-quarter to two and three-

eighths, at wholesale, at the present time; we sell for that; we deliver the potatoes at the Asylum, where they are received by the Steward; the Asylum keeps a pass-book with us; we render our accounts monthly to the Asylum; no potatoes are ever charged until they are delivered; when I made the contract with the Asylum, potatoes were worth one and one-quarter cents per hundred, at wholesale, or perhaps more; I don't remember the exact price.

R. S. BATES.

WILLIAM GRAVATT, STEWARD OF THE INSANE ASYLUM.

I attend to the purchasing and receipt of all articles bought for the Asylum, under contract; I have them charged in a pass-book, and attend to the delivery, and see that every article charged in the pass-book is received at the Asylum; this is my invariable rule, without any exceptions; all articles charged in the pass-books are received at the Asylum; I attend to the receipt of all articles that are purchased for the Asylum; weekly, on Saturday, I carry my pass-books to the Clerk, and he enters on his books every article charged therein; we keep a separate pass-book for every firm with whom we have dealings, unless it is some items purchased where we do not keep a separate account.

W. GRAVATT.

JOHN DILLON.

I have not known gravel, such as Captain Conner delivers from his pit, to be sold in Stockton during the last twelve months for less than one dollar and seventy-five cents a ton: I think that has been the lowest price, except that sold to the Asylum; I pay for beef, all around, for the use of my hotel, sixteen cents per pound, and twenty cents for mutton, and pay cash every week; I pay thirty-seven and one-half cents for milk; I pay seven dollars for stove-wood, and buy sixty cords at a time.

JOHN DILLON.

WILLIAM GRAVATT, STEWARD.

When Captain Conner delivered gravel to the Asylum, I kept an account of each load that was delivered; I gave the driver a ticket, and numbered the ticket, and made an entry of each one in a book for that purpose, and put the number of tons on each ticket; I saw the number of tickets returned; Mr. Conner delivered all the gravel that he was allowed payment for, and all that he delivered was used about the Asylum, except a portion for one of the walks, which has not yet been made, and that is still at the Asylum; Captain Conner received one dollar and forty-eight cents per ton, for gravel; the contract was given to the lowest bidder for gravel; the next bidder offered at one dollar and fifty cents per ton.

I issue all supplies to the Resident-Physician's house; I send, on an average, eight pounds of meat per day to his house; all wines bought for the Physician's house are paid for by the Physician himself, except sherry wine, which is kept at his house, (as he allows no liquors in the Asylum,) and used medicinally whenever needed for the patients; the meats sent

to his house are the same as used by the attachés at the Asylum; he has a cook and a nurse at his house.

W. GRAVATT.

THOS. J. SMITH.

Reside in Stockton, and am a brick-layer; I did all the brick and stone work about the additional buildings, walls, and improvements, that have been made the last summer; I sub-contracted with Mr. G. W. Blake, the Contractor; I laid the brick for seven dollars and fifty cents per thousand, Mr. Blake furnishing brick and cement, and I furnishing the lime and sand; the lime was all first quality of lime; the sand was all clean, sharp, sand; the amount of my contract was five thousand six hundred dollars; I laid seven hundred and forty or seven hundred and fifty thousand; brick then were worth, at that time, ten dollars per thousand.

I bid for this contract for the entire work; my bid was thirty-three thousand five hundred dollars.

The brick-work was laid fully according to the specifications, and is as good a job as any in town; it is well bound, slashed, and girded.

I think the improvements are as good as could be done, and they were very cheaply done; I think the contract was a very cheap and advantageous one for the State—a better one than they will ever get again; all the materials used in the brick-work were in strict accordance with the specifications; I know this, and, from my observation, believe all the materials used about the improvements complied with the specifications; I think the whole job comes as near the contract as can be.

THOMAS J. SMITH.

SHELBY H. TEETERS.

I reside in Stockton; am a laborer; I worked at the Insane Asylum a little while; I commenced there on the tenth of November, A. D. one thousand eight hundred and fifty-seven, and worked until the thirteenth of March, one thousand eight hundred and fifty-eight; I was not discharged; was an Assistant-Keeper in the First Ward, under Mr. Gravatt, except the thirteen days in March, when I had charge of the Fourth Ward alone as Keeper; I had some seven inmates at the wash-house, washing, when one of them attempted to escape, and in trying to overtake him, I overheated myself, and was taken sick on the thirteenth of March, and then I left work, and went to Sacramento City; I was at the Asylum when it was visited by the Legislative Committee last winter, either in January or February; prior to the coming of the Committee, and at that time I was in the First Ward; I did not see any changes or alterations for the purpose of preparing for an investigation; there were no "various changes" in my ward, and I did not see any or know of any in the others; it was the daily practice of Drs. Aylett and Kendall to go through the Asylum two or three times a day, and oftener, if necessary; Dr. Aylett was in the daily habit of visiting and going through the various wards in the morning, before breakfast, and at night, before closing, and then from time to time during the day; I would see him at intervals passing through the Asylum, and always there when necessary; when I was there, the mad-house was not yet erected; it has been built since I left there; at that

time the more violent inmates were confined in the Second Ward; in making their visits, the Physicians would inquire of the attachés as to the condition of the inmates, and if any were sick, would visit them; the rule was, for the Assistant-Keepers to report to the Head Keepers, and the Head Keepers to the Physicians; the rules were printed and posted up in the office, where all could see them; in the First Ward of the Asylum it was not customary to keep fires up at night after eight o'clock; the inmates would go to bed at eight o'clock, after which I would not put any more wood in the stove until morning, but there would always be a fire in the morning; I do not know what was done in the other parts of the Asylum; this was the portion of the Asylum where the most quiet and orderly patients were kept.

Before the Committee visited the Asylum, in January or February, one thousand eight hundred and fifty-eight, the floors in the First Ward were scoured, and some change made in the bedding; it was the regular rule, in the part of the building I was in, to scour the floor as often as every week, during the summer, and oftener, if necessary; in the winter, when the weather was muddy, it was not scoured as often; it was the regular rule, all the time I was there, to change the clothing on the beds in the ward I was in, every week, and keep the beds always clean; there was no greater amount of bedding put on the beds before the Committee came than was usual, and customary; the doors of the rooms were opened, and the walls of the rooms brushed off—the cobwebs brushed down; the inmates were no better clothed, and had no greater amount of clothing, when the Committee visited there, than was usual and customary.

S. H. TEETERS.

J. A. MITCHELL.

I reside eight miles from Stockton, on the Mokelumne Hill road, and am a farmer.

My wife is an inmate and patient in the Insane Asylum at Stockton, since the twenty-seventh of November, A. D. 1858; I have visited the Asylum twice prior to the present time; I was first here ten days or two weeks after she was placed here, and again about the first of January, one thousand eight hundred and fifty-nine; the time I was here in January, I was in the Female Ward of the Asylum; I then observed the appearance of the ward, and the general appearance of the patients; the first time I was here I went through the male department into the rooms, and noticed the general appearance and apparent management of the male department at that time; when I went through these wards they were neat and clean; the beds and clothing of the patients were neat and clean; they appeared comfortable, and well cared for; all in fact so much so as to excite my surprise that it could be kept so orderly, the weather being bad, and the grounds muddy; the patients appear to be well attended to and provided for, and had on clean, nice clothing; this morning, February tenth, one thousand eight hundred and fifty-nine, I have been through the various wards of the Asylum, both male and female, and in the rooms of the patients; the various wards and rooms are in the same condition now that I saw them before, unless perhaps, some of the rooms do not look quite as well.

There is an entire absence of anything like an appearance of fixing-up the Asylum for inspection; when I went through before, no person knew I was coming here, and there was no preparation of the wards or rooms;

the wards and rooms at the present time, as well as upon my former visits, appear to present their every-day appearance.

From my observation of the Asylum and its management, viewed, too, when I have a dear relative an inmate, I do not think it could be conducted in a manner more favorable to the well-being and comfort of the patients; I find nothing connected with the management of the Asylum of which I can complain.

J. A. MITCHELL.

H. T. HUGGINS.

I reside in Stockton; am a lawyer by profession; have been one of the Trustees of the State Insane Asylum since August, one thousand eight hundred and fifty-seven; I have been frequently through the Asylum and noticed its conduct and management; regularly every month, and often at intervals, during the month.

I have noticed carefully and often the management of the Asylum, and have never found anything to find fault with; it has been ever conducted and managed with the most scrupulous attention to neatness and cleanliness, both of the wards and rooms—and the patients particularly so; also with the greatest degree of kindness and attention to the wants and necessities of the patients. When Dr. Aylett took charge of the Asylum he was a stranger to me, and I took particular pains to observe the entire management of it; and I wish to say that from a long and close observation, I have never seen duties discharged with greater fidelity, care, and attention, than by Drs. Aylett and Kendall, and the other resident officers; their duties could not be more faithfully discharged; the whole conduct of the Institution is such as to reflect the highest degree of honor upon them in every point of view; in his whole management of the Institution, in the selection of officers, and everything connected with it, Dr. Aylett has consulted the interest of the Institution alone, without reference to any friendship, or having any favoritism of any kind whatever. I have visited the Asylum, and been through all its parts since the assembling of the Legislature, and find it in the same condition as ever; not a particle of fitting-up for investigation; nothing of the kind with reference to the expenditures of the Asylum; ever since Dr. Aylett has been in charge he has ever, upon all occasions, reduced the expenses to the lowest possible point—has been most strictly economical—he indeed effected a saving of two hundred dollars per month in one article alone—that of bread—and has shown the greatest care and anxiety to cut of all useless expenditures.

H. T. HUGGINS.

J. K. SHAFER.

I reside in Stockton; am County Judge of San Joaquin County, and have been a Trustee of the Insane Asylum.

I have at different times, while Dr. Aylett has been in charge of the Asylum, been through it, and seen the condition of the wards and patients; have also been through it frequently while under the charge of the former Physicians from one thousand eight hundred and fifty-three and one thousand eight hundred and fifty-four, till this time; I have been through a portion of the Asylum to-day; the general appearance of the wards, the

patients, the clothing of the patients, and of the beds, is the same that I have always found it under Dr. Aylett's charge; no appearance of fixing-up for investigation; some of the rooms are scarcely in as good condition as general; but the general features, in every particular, are as they are to be seen every day.

I have been through the Asylum at many times, and its condition has always been clean, neat, and creditable.

I have never been through the Female Ward since Dr. Aylett took charge of it; was only through it when a Trustee, once, and then as a discharge of what I deemed my duty as Trustee.

J. K. SHAFER.

EVIDENCE RELATING TO TREATMENT.

TESTIMONY OF JOHN R. BRETT.

John R. Brett, being sworn, says:

I reside at Marysville; am a merchant, and am brother to Otis Brett; the first intimation of the insanity of my brother was received by letter from Mr. Baker on the seventh of January. The letter was dated December thirty-first, one thousand eight hundred and fifty-eight, informing me that on that day my brother had been sent to the Asylum. He had been insane about one week prior to the date of his letter. The first symptoms were of a violent character; up to the time of taking him to Sonora, say about a week, they were obliged to put him in a cell in Sonora. I left Marysville on January eighth, and arrived at Stockton on January ninth, for the purpose of seeing my brother. I came in on the stage, and got out on a corner of the street leading to the Asylum; it was about four o'clock Sunday evening; I went immediately to the Asylum and asked for a man by the name of Otis Brett; I was told he was there; I said I would like to see him; they replied they did not admit visitors on Sunday; I told them that Mr. Brett was my brother, and I would like to see him; I was told to take a seat in the office until he returned; I waited about fifteen to thirty minutes, when I was informed that my brother had come to his senses the day before; he had told them my residence was in Marysville, and requested them to write to me; he then asked them how long he had been there; they then told me his feet were very much swollen, and that he came there with heavy irons on him; after this conversation I was invited in to see him; I found him sitting by the stove at the further end of the hall, in the mad-house; I spoke to him, and he recognized me, and seemed to be very much affected, and stated that he wanted me to get him out of there, as quick as possible; he said he had been very badly used, improperly clothed; was dirty and filthy; he had on a shirt, a coat, and pair of pants torn in front, leaving him much exposed; he stated that they put the shirt on him after I got there; that he had not been washed since he came there; that his hands were dirty; his shirt was clean; he had a large spot of blood on his forehead, and one on his cheek, indicating a bruise done sometime during his insanity; he stated he was suffering pain in his ankles, and was week for the want of something to eat; the first conversation I had, was with the Outside Keeper; I do not known his name; the remainder of the conversation was with my brother; I was informed

that I could take him away by seeing Dr. Kendall, and they then stated that it was not necessary; I procured a carriage and brought him to the Weber House; I employed Dr. Ryer to attend my brother within half an hour after I reached the Weber House; I found my brother in a very helpless condition, from the pain in his feet; I had to carry him; he could not walk.

At Sacramento, on my way here, I met Dr. Aylett, who informed me that my brother's insanity was of a mild character, and that he was doing well; afterwards I met Dr. Aylett at the Asylum, and he informed me that he had confounded the case of Mr. Brett with that of Mr. Bates, who had been sent to the Asylum from the same place, and on the same day; that immediately on his arriving at the Asylum he had addressed me a letter to Marysville informing me to that effect; also enclosing letters received at the Asylum for my brother; I have not got the letter of Dr. Aylett here, but I received it at Marysville on my arrival home; I made complaints to Dr. Aylett of the treatment to my brother; I told him I thought he ought to have done something for his feet; he replied to the effect that he did not consider it necessary; that he did not think there was any visible affection in his feet needing treatment until a reaction took place; subsequently, he said he did not think it necessary that anything should be done more than that already done; that my brother had received all the treatment that was necessary.

I complained that they had kept my brother there after the Keeper had admitted he had become sane; he replied, that he regretted very much that he was absent at Sacramento at the time, and had he been there he would not have been kept down there, (in the mad-house.) The Doctor afterwards stated to me that he never kept patients there longer than necessary, and that it was very difficult to tell whether an apparent recovery was only a cessation of the paroxysm or an entire recovery. Dr. Aylett also stated that this thing might have occurred under the best of treatment—and was willing to submit, to a jury of competent physicians, the question, whether this difficulty might not have occurred, under the circumstances, with the best of treatment.

Dr. Aylett and the Keepers all complained that when my brother was brought there, he was heavily ironed, and that it was a too general custom to put heavy irons on patients.

In conversation with Dr. Aylett, my brother, and myself, at the Weber House, my brother said that the reason he did not lay down on the bed or mattress in the cell, was, that at the time he was placed there he imagined that it was full of needles.

On examination of the feet of my brother after removing him from the Asylum, I observed, upon the upper part of the instep, an impression as if made by the iron shackles, also, a greater amount of discoloration immediately below that point, conveying to my mind the impression that it had been occasioned by the iron.

When I came to the Asylum the second or third time, I asked one of the Keepers, what had been done for my brother? He said that he had given him two or three doses of pills, which was all that had been done for him; the first dose he gave him he chewed up, and he thought he spit them out; for fear he had done so, he gave him the balance, either one or two doses, in his coffee. The Keeper also stated, that when they placed him in the cell they pulled off his boots; after they left him, he pulled his boots on again. Mr. Luckett, who stated that he took charge of him three or four days after he was placed in the Asylum, said he found him with his boots on, and took them off. My brother stated to

me, before I got the information from the Keeper, that all the medicine he had taken was two or three doses of pills; he said this soon after I got him to the hotel. The Keeper also stated, that he had carried my brother out to the fire either a day before, or two days before, or once before I came for him, and that the fire had such an effect upon him that he fell down, and he carried him back to his cell again.

Neither the Keeper or my brother said when he gave the pills to my brother, though the Keeper said they had a very good effect. When I found him his feet were bare, there being nothing on them—his feet were in such a condition that he could not wear either boots or shoes; he had to have his feet wrapped up, that was all we could do.

J. R. BRETT.

WILLIAM GRAVATT.

I reside at the State Insane Asylum, Stockton; am Steward of the Asylum; I first saw Mr. Otis Brett on the first day of January, one thousand eighteen hundred and fifty-nine; he was brought to the Asylum about three or four o'clock, P. M., on the Sonora stage; he was ironed with very heavy shackles, of the character of those used at Sonora in fettering convicts to take to the Penitentiary; they were of round iron, from three-quarters to an inch in diameter; the chain connecting the fetters was from two to three feet in length; he had on a coat, pants, shirt, boots, and hat; don't know the amount of clothing, as I did not see them taken off; he had no overcoat or blanket to wrap around him; the chain connecting the fetters was a large heavy chain; Dr. Meusa and some other person came with Mr. Brett and two other insane persons; Dr. Meusa gave me the commitment; I then asked him if he knew anything of the history of the patients, and he replied, that he did not; we did not receive from any person a history of the patients, the character of their affliction, or any matter connected therewith, although I inquired for it; Dr. Meusa stated that he knew nothing about them; Mr. Brett was taken to the Second Ward, which was in charge of Mr. James Trainer; I then went to find Mr. Wyncoop, who usually takes the irons off of the patients, and had the irons taken from him and left him in charge of Mr. Trainer; I saw him no more until the ninth of January, and had nothing to do with his treatment; I was present when they commenced taking the irons off; they were riveted on and had to be cut off; I asked Mr. Brett several questions, but he gave no answer, and he did not speak at all; we were unable to learn anything connected with his condition.

I know Dr. Aylett's practice in attending upon patients; it is his daily practice to go through all the various wards, before breakfast, every morning, and examine into the wants and condition of the patients—and then frequently through the day—and then regularly through them all again at night—often also during the night, between dark and daylight.

I also know Dr. Kendall's practice; it is his daily practice to go through the various wards, between breakfast and dinner—and then upon any other occasion when necessary.

There are three regular visits to each ward, by Drs. Aylett and Kendall, every day, exclusive of numerous visits, at intervals, through the day and night.

I have been connected with the Asylum since October, A. D. one thousand eight hundred and fifty-six, and familiar with its management and conduct, and have never known any patient to suffer from a lack of attention, or to need it and not receive it.

Have never known a patient to be permitted to remain in the Asylum for any length of time without securing all necessary attention to his personal cleanliness.

The various wards are always kept with the same regard and attention to cleanliness and order, that they are now in; they present the same appearance now that they do every day; some of them are in better condition than they were two years ago; there has never been, during the time that I have been here, under the superintendence of Dr. Aylett, anything in the nature of "fixing-up" the Asylum for inspection—no appearance of anything of that kind.

There is no difference in the condition of the wards, the clothing on the beds, and on the persons of the patients, from its usual and ordinary condition; it is the same now that it has been always regularly kept, both before the assembling of the Legislature and the visiting of the Hospital Committees, or the present one.

I saw Mr. Brett when he was taken out of the Asylum; the evening his brother called to see him I went to the mad-house, to see Mr. Luckett, who has charge of it; I asked him if he had a patient by the name of Brett; he told me he had; I told him I wanted to see him—that his brother had come to see him; he opened the cell door; I found him in bed, covered up; I discovered his feet were too much swollen to be brought into the main building, for his brother to see him; I told Mr. Luckett to have him placed by the stove, and I would bring his brother out to see him; I came in and took his brother out to the mad-house to see him; I then left his brother with him, sitting by the stove, and came into this building myself; I did not examine what clothes he had on, as he was lying in bed, covered up, when I saw him; I did notice as to his cleanliness; the way I saw his feet to be swollen was, that Mr. Luckett told me they were; I then examined them, and found that they were, and told Luckett to place him in a chair; he had nothing on his feet; Mr. Luckett told me that he had put socks on them, but they were too sore—he could not keep them on.

I saw him there when he was taken out; his brother asked me if there was a barber; Mr. Brett's brother asked if there would be any objection to taking him away; I told him certainly not, but that I would prefer his seeing Dr. Kendall, which he said he would do; while his brother was gone after a buggy, to take him to town, we had him shaved, at the request of his brother.

Dr. Aylett never waits to be told that any patient is sick, but goes every day, twice a day, personally, to see and learn—and makes inquiries of the persons in charge, also.

I told Mr. Luckett to put clean clothes on Mr. Brett; it is customary, when the friends of patients call to see them, to have clean clothes put on, with patients of that class.

There have been no new spreads made here for the last two or three months; those on the beds, also the pillow-cases and sheets, are those in every-day use; they are washed regularly every week; every day, almost, some of them are torn up by the patients, and have to be replaced by others; the entire clothing on the beds, of that kind, is washed every week.

The same amount of clothing is always kept on the beds that is there at present.

WM. GRAVATT.

JAS. A. TRAINER.

I reside at the Insane Asylum, Stockton, and am Keeper of the Second Ward in it.

I first saw Mr. Otis Brett the first day of January, one thousand eight hundred and fifty-nine, when he was brought to my ward; he had on very heavy irons made of round iron, and a very heavy chain, some four or five feet long, I should think; I assisted in taking them off; they were riveted on, and had to be cut off with a cold chisel; he had on coat, vest, pants, boots, socks, hat and shirt; I think he had no more than one shirt; no overcoat or blanket; he did not talk any at this time; when his irons were taken off I set him on a bench and told him to be quiet; it was just about supper-time; he ate very little; I took him into the dining-room and fed him; he ate about an ounce of bread, and drank a very little tea; I then took him back and put him on the bench; Dr. Aylett then came up and examined as well as he could, but could not get him to say anything; I told him it would not do to put him in a room, and he told me to take him down below; he also told me to notice in the morning whether he had a motion of his bowels; I took him down to the mad-house; I put in his cell a new mattress that had never been used before and two pair of new blankets; I had a great deal of trouble to get him in; I had an assistant along, and still had to get two or three patients to assist; I laid him down on the mattress and pulled his boots off; I then went to take his coat off, and then he spoke and insisted on having his clothes on; had set his boots outside of the cell, and he wanted to have them back; I then told him I was from Springfield, and he asked me if he was in Springfield; I then told him where he was, and he asked me if I would take care of him; I told him I would; I then laid him on the mattress and covered him with the blankets; I left a chamber-pot made of tin in his cell; I then bid him good night, to which he gave me no answer; in the morning, at half-past five o'clock, I went in to see him, and found that he had torn up his mattress and blankets, and had the straw spread around him in a ring, and was sitting on the ticking of the mattress in the centre; he had his shirt torn off also. Dr. Aylett came around at the usual time in the morning; I told him how he was—that he had had no movement of the bowels; the Doctor went with me and looked at him and ordered six pills for him, and told me to take him out of that cell and put him in another one, and give him some hay and some more blankets. He had broken the tin chamber-pot all up, also; I gave him the pills in the same place where he was, and then as soon as we could get the other place ready moved him into it; he tasted his coffee at breakfast, but would eat nothing else; at dinner-time I took him his dinner, but he would not eat that; at night the pills had not operated yet, and the Doctor told me to give him five more; I gave him the pills; he had his boots that day; I put them in his cell, and he put them on himself; in the morning the pills had operated; then I had to take him out of that cell and put him in another; I don't remember whether he ate any breakfast that morning or not, after the pills had operated; when I would take him his meals he would try to rush out by me, and would not eat if I stayed with him, but sometimes,

if I went out and left him, he would eat by himself. On Monday or Tuesday following, Dr. Kendall wished to see him; Dr. Kendall had seen him before; but Dr. Aylett had always prescribed for him; Dr. Kendall examined him and inquired how his bowels were; I told him he had no action of his bowels except from the pills he had taken; think it was on Tuesday night Dr. Kendall ordered more pills for him; don't remember whether they operated or not, but the next night he gave him some liquid to make him sleep; he had been very restless—and told me, if he was in a condition that I could, if he was not too violent, to take him to the bath-room the next day and give him a bath; I sent Mr. Foley the next day—Mr. Foley was my assistant—to bring him on while I was preparing the water; they brought him about half way across the yard, when he became very violent—would strike and kick—and it appeared to make him worse as soon as he got out of the house, and I told them to take him back and put him in the cell; I then told either Dr. Kendall or Aylett of this circumstance; this was either on Thursday or Friday, and the next day Luckett took charge of the patients in that ward; I went down with him and told him the instructions I had from the Physicians, and took him in to see Mr. Brett, and told him where he was from and how he had acted, and that he appeared to be some better in his mind; I told him that I did not think there was any danger of his tearing up the mattress, and he had better give him one; he said he would attend to it; the next day I was in the ward and saw Mr. Brett; Mr. Luckett had him in one of the rooms then, and had given him a mattress and two or three pair of blankets; this was the last I saw of him.

A fire was kept in the stove in the building where Brett was, all the time, to keep the temperature regular all the time; the different cells he was in were each as warm and as regular in their temperature as any of the others; at the time Mr. Brett was in this building there were thirteen other patients in the different rooms or cells in it; from five to seven of them were there all the time he was there; no one of those patients has ever suffered any inconvenience or injury from cold or otherwise, during that time, or at any other; I was in and about the building both day and night from the time Mr. Brett was placed there until Mr. Luckett took charge; during all of that time the rooms and cells were never cold or uncomfortable either at day or night; they were more comfortable than the rooms in the Second Ward, which is in the same building, in the second story.

It was impossible for any person to have suffered from cold in that building while Mr. Brett was there; I had one patient there, upon whom it was impossible to keep any clothes or covering, for two weeks longer than Mr. Brett was there; he would tear them off, and the more you gave him the longer he would stay in his bad spells, and yet he suffered no inconvenience and is now so much recovered as to be out in the yard.

The first cell we put Brett in was about the centre of the building; I did not have the whole charge of the building, day and night, but I had charge of the patients I put in; I had an assistant by the name of Foley, who is now an assistant with Mr. Luckett; it was the duty of Mr. Boucher to keep up the fires—he or some of his assistants; I did not notice any swelling about Mr. Brett's feet when I put him in the cell; the evening Mr. Luckett went in charge we took his boots off him, and he for the first time complained that his feet were sore; don't remember whether we were putting him in bed at the time or not; we were doing something to him in the room.

The asphaltum floors in those rooms feel warmer to the feet, with thin

boots on, than the redwood floors in the main building do; I have never noticed them to get cold.

I have been employed at the Asylum a little over a year; there has been no change since I have been here, in the general management of the establishment; the attention to the patients, the amount and character of their diet, and their clothing, all these things are in the same condition as they have been regularly since I have been here, except that, owing to some improvements, plastering, etc., in the Second Ward, it is not as orderly and clean as it has always heretofore been kept.

The fires might have gone down in the mad-house at some time, but I don't remember of their going down while Mr. Brett was there; the man who has charge of the fires in the mad-house resides in the lower part of the main building, where he is a Keeper; one man is detailed as Watchman every night until one o'clock A. M., when another one comes on and remains on until evening; it is their duty to see to everything connected with the Asylum, that it is all in good order.

I have never found the temperature of the mad-house other than comfortable.

I know the daily practice of Dr. Aylett, in attending upon the inmates of the Asylum; every day, before breakfast, he passes through all the wards, to see whether any one is sick or needs anything, and makes a general investigation of the condition of all the patients at that time, and then, every evening, from seven to nine o'clock, he makes another round, the same as the morning round; from time to time during the day he is also in attendance, looking to the necessities of the patients; at night, when I have been on watch, I saw him often as late as one o'clock passing through and about the Asylum, attending to any calls that are necessary, and seeing that every thing is right, and is almost universally at the Asylum at all hours of the day, to answer to any call that may be made upon him.

Dr. Kendall makes one regular trip every day, from nine to ten, A. M., through all the wards of the building, attending to all calls upon him, and making all inquiries as to the condition of the various inmates, and is ready at all hours to respond to any call that may be made upon him.

I have never known any inmate of the Asylum, since I have been here, to suffer from the want of any care or attention; have never known any inmate to be sick and suffer from the want of any attention or care on the part of the Physicians.

No patient is ever allowed to be punished corporally.

J. A. TRAINER.

ALFRED W. LUCKETT.

I reside at the Insane Asylum, Stockton, and have charge of the Fifth Ward mad-house; I took charge of it on the evening of the fourth of January, one thousand eight hundred and fifty-nine; I had never seen Mr. Otis Brett until that time; on the morning of the sixth of January was the first time that I fed Mr. Brett, and took charge of him; on the fifth of January I went around the ward with Mr. Trainer, who had had the charge of Mr. Brett, to see the patients and become acquainted with them; on the fifth of January, I found Mr. Brett on a mattress, in room number twenty-five, with two pairs of blankets; he was lying on his bed; I spoke to Mr. Brett; Mr. Trainor said that it was Mr. Brett, who was from Mr. Trainer's County, the Town of Springfield, and asked me to

take good care of him; he also asked me to move him into a larger room; on the next morning I fed those of the patients who could leave their rooms, in the dining-room, and afterwards fed those who could not come out, in their rooms; I gave Mr. Brett his breakfast in his own room; he was apparently very feeble, and did not want to eat; I persuaded him to eat, and sat down by him and fed him; I gave him rice, milk, and coffee; I asked him where he was from, he said he was from Massachusetts; I told him we were going to remove him into a larger room; he said he felt very sore; I then went to feed and wait on the other patients; about ten or eleven o'clock, A. M., after cleaning up, I removed him into a double room, the second one from the stove, No. 19; I placed him on a mattress, and asked him how he felt, he replied his feet were cold; I then went to the store-room and got a new pair of blankets, and wrapped his feet up in them, and covered his legs with the same; he then inquired of me where he was, I told him he was at the Asylum, near Stockton; he made some exclamation, when I asked him if he had any recollection how he came here; he said the last thing he recollected was eating a piece of cake at Mr. Vail's, in Springfield; I had no more conversation with him at that time, that I remember; when I wrapped the blankets around his feet, they were cold, and appeared to be very tender; a short time afterwards Dr. Kendall came in to see the patients, and went into Mr. Brett's room; I went in with him; I took the blankets off, and showed the Doctor his feet—when Dr. Kendall directed me to place warm bricks at his feet, not too close, but so as to give a gradual warmth; he also ordered me to give him four pills he left for him; after walking out, Dr. Kendall told me that he feared Mr. Brett would lose some of his toes, that one of his feet was badly frost-bitten; that it had been very cold in Tuolumne; that the water-ditches had been frozen up, and he feared Mr. Brett had been wandering about, and had frozen his feet; at dinner time, I gave him some soup, and fed him, and gave him the pills the Doctor had left for him, in his soup; in the evening I took his blankets, warmed them, and put them to his feet, and gave him his tea, and locked his room for the night; when I removed him from one room to the other, he had his coat buttoned close up around his neck; I asked him if he would not take it off, and he said no; his hat was in the room, and when I picked it up to remove it to the store-room, he asked me to let it remain; the next morning I attended to him as the day before; that evening I asked him if he would not come out; he said no, he did not care about it, and I covered him up; on the evening of the seventh, I took two men and raised him up, and carried him into the hall, and put him on a chair by the stove, and placed two pairs of blankets under his feet; I asked him if he would have a change of clothing, (his coat was still buttoned up to his neck.) but he answered, no; he remained by the stove some time, when I took him back to his bed and covered him up; he was sitting by the stove an hour or an hour and a half.

That evening one of the Physicians asked me if his bowels were open; I told them the pills I had given him had not operated; the Doctor then gave me some more pills to give him, which I did, giving them from my hand; then I locked his room as usual; the next morning his medicine had operated; there was, apparently, very little change in his condition; on the evening of that day, the eighth, he was, for the first time, somewhat rational; I then asked him to get up, and have a change of clothing, and bathe, (we always bathe the patients when we change their clothing,) but he said no; I then asked him to come out to the stove, thinking I might then change his clothing, as I did not wish to irritate him, he

was so much better; he said he would; he then, again, asked me where he was; I told him, again, that he was at the Asylum, near Stockton; he asked me what month it was, and said everything appeared like a dream to him; I asked him how he got his foot injured, it was swollen so much; asked him if he had not fallen in one of the holes at Springfield, in the mines; he said he did not know; I asked him when he was taken sick; he said he did not know; I then asked him if he had been in the Sonora Jail, and how long he remained there, how long in Sonora; he replied that he did not know that he had been in Sonora at all, and did not think he was ever in jail, that they took him from Mr. Vail's in a wagon; this conversation was while he was in his room; I then got a chair and sat him in it, and again got his blankets and put them under his feet; I then, again, asked him if he did not think a bath and change of clothes would help him, he said no, he was too sore; he inquired how he came here, I told him he came in the stage; he said he had no knowledge of having been in Sonora; after he had sat up as long as he desired, I put him back in his room, and covered him up comfortably; my object in taking him out each time was to endeavor to make a change of his clothing, and to have him bathe; Dr. Aylett had directed me to give them their own way as much as possible, to humor them, and not to irritate them—if possible, to avoid it; not to take anything from them they desired to retain; this was my general instruction; had it not been for fear of irritating him, I would have taken his hat and coat away, and put them in the store-room, and have given him a change of clothing before; he was put in bed, as usual, and fixed comfortably; the next morning I could perceive no material change in his condition; I gave him his meals; he had little or no appetite; I sat by him, and had him take some coffee and bread; during all the time he was under my charge, his appetite was very poor; I offered him everything we had, and asked him what he would eat, but he ate but very little; every day, regularly, I took him his meals, and offered him anything he would eat, bread, rice, milk, coffee, meat, and potatoes, but he cared nothing about eating them.

About eleven o'clock, A. M., Sunday, after cleaning up, and feeding all of the patients, I asked him to come out from his room and sit in the hall, in order to make a change of his clothing; he did not come out; when I took him his dinner, I asked him if he knew Mr. Sedgwick, (Sheriff of Tuolumne County,) he said, yes, he had voted for him; this day, and the evening before, were the only times I saw him rational, so that he could answer questions rationally; on the evening of the eighth, while sitting by the stove, he asked me if I knew where his brother John was; this was the first time I knew he had a brother; I then came in, and asked Mr. Botts to come out and see him; Mr. Botts asked him where his brother was; he replied that his brother was probably in San Francisco, but that he lived in Marysville; Mr. Botts took a note of this, and told him he would write to him; I remember these occurrences from the fact that I took great pains with Mr. Brett, partly on account of living in the County he was from, and because Mr. Trainer requested me to do so.

On Sunday afternoon, after dinner, I was about to take Mr. Brett out of his room; I had got my chair out for him, when Mr. Gravatt came out and asked if there was a man there by the name of Brett; I replied there was, and pointed him out, as he lay on his mattress; Mr. Gravatt, I think, told me his brother was here; I think I had called Mr. Foley, my assistant, to shave him, before I knew his brother was there; I think Mr. Gravatt went into his room and saw Mr. Brett, and then told me that his brother was there, and wished to see him; I took him to the stove, and

got him to take off his coat, and put a shirt on him; he did not want to take his coat off at this time; I then asked him if he would like to see his brother; he replied that he would; I did not tell him that his brother was here; in a few minutes his brother came in and saw him; I left them there, and went to get another chair for Mr. John Brett; I gave him the chair; they talked together a while; then Mr. John Brett came and told me he was going to take Otis Brett away; I do not know what passed between the two, as I was very busily engaged, there being, every moment, some of the patients to attend to.

When I found Mr. Brett, he was on a mattress, with blankets—two pairs; and during all the time I had him in charge, he was well supplied with blankets and mattress to keep him comfortable.

From the time I took charge of the building, on the morning of the sixth, I have been there all the time, day and night, except on one occasion, when Mr. Foley remained in my place; I have never been away from there a half an hour at a time, except on washing-days, other than as above; the temperature of the rooms, in that building, is all the time kept so as to be comfortable both day and night; my directions are, to keep the heat at about seventy-four degrees; it is generally from seventy to eighty degrees; we have a thermometer there for the purpose of regulating the temperature.

During all the time Mr. Brett was there, he was kindly and carefully treated.

One or the other of the Physicians gives his attention to the patients every day—often as many as three or four times during the day; they attend to all patients needing their care in that way.

It is impossible that Mr. Brett could have suffered from cold while he was there; I was up at intervals during the nights, and would notice the thermometer; the lowest I have ever seen it in the night, even in the middle of the night, has been sixty-seven degrees.

The daily practice of Dr. Aylett is to be in this ward at half-past five o'clock, A. M., and again at night, and then generally every meal-time, and from three to four times in the day; Dr. Kendall is there once daily; this is his daily practice; and as often as it is necessary--that is, in cases of sickness, etc.

On the evening of the fourth, when I first saw Mr. Brett, he had on a pair of pants, and a cloth coat; I could not see if he had anything else, as his coat was buttoned up close to his neck; also, a pair of socks; that evening, or the evening of the fifth, his feet being swollen, we took the socks off.

When I removed Mr. Brett from room number twenty-five to room number nineteen, I think I had two persons help, by taking hold of him on each side, under his arms—and carried him.

Mr. Trainer took his boots off while in number twenty-five; the first time he went to the fire, I had him carried; the other times, he went on his hands and knees, by preference; he preferred that way; it was but a short distance—from twelve to fifteen feet; on the occasions of his going on his hands and knees, I took the men into the room to carry him, but he preferred to go on his hands and knees; during the time he was in my charge, I had no trouble to keep him on his bed; once I found him off it, and had him placed back; he was very sore, and very restless; I don't think Mr. Otis Brett ever asked to be taken out of his room, or cell; these cells are single rooms; we call them cells, except number nineteen, which is a double room, but was occupied by Mr. Brett alone; he never asked me to give him any more clothing, to my recollection; he asked me to put

something on his feet, but never complained of cold anywhere else; I did not put warm bricks to his feet, but put warm blankets; Dr. Kendall told me to keep his feet warm, but not to put anything too close; the blankets were doubled twice, making four thicknesses.

He never asked me to write to his brother until the evening of the eighth, when, as I said, I immediately went and asked Mr. Botts to come out; he asked Mr. Brett where his brother lived, and then took a note of it; this was the first time I saw any symptoms of his being rational at all.

I intended to leave Mr. Brett, Sunday night, in the room he then occupied—it was comfortable—a double room, and as comfortable as six blankets and a mattress could make him; I had not received any orders that day to take him out; I was preparing to take him out and give him a bath and a change, when Mr. J. R. Brett arrived; his brother had been improving from the evening of the eighth, and was rational.

I don't think I had Mr. Brett washed while he was in my charge; I had labored every day, as I stated before, to do so, and regularly every day asked him if he would not be washed; I set water by him every day.

Mr. Foley and myself attend to the fire; we have the wood in a room, locked, and the railing round the fire locked, as it would be dangerous to allow the patients to get to either.

Dr. Aylett was absent part of the time Mr. Brett was here.

It is my orders from Dr. Aylett, to have the prisoners shaved as soon as they are in a condition to allow it; do not think any one told me Mr. J. R. Brett wished his brother shaved; can't say whether he was shaved before J. R. Brett came; I know I had ordered Mr. Foley to shave him; it is a usual thing to shave the patients whenever they can be.

Mr. Brett had not been in a cell for two or three days; he had been in a double room; Mr. Gravatt did not tell me to remove him to the stove, to my recollection; I was just making arrangements to move him, as I said before.

The rooms are warm; I should judge they were not as warm as the hall; I never had the thermometer in the rooms; they are generally as warm as the hall when the windows are closed.

I showed Mr. J. R. Brett the room his brother had occupied, and told him it was the one he had while I had him in charge.

I put a shirt on him after I took him out of his room, on Sunday; he had none on when I took him out; he had his frock coat on, buttoned up close, and refused to have it removed before; we could not have removed his clothing before and given him a change, without using force, and did not wish to do that for fear of irritating and injuring him while he was recovering; I did not know whether he had a shirt on or not, his coat being buttoned up close, and he would not suffer it to be removed.

Dr. Aylett is very strict in enforcing his orders to the Keepers, and seeing that they devote every attention to the patients; he gives his constant attention to them himself—is very kind—will not allow any one to speak harshly to the patients; he devotes all the care, time, and attention, to their welfare, that it is possible for a man to do; the patients have an abundance of the best quality of provisions; I have never known a patient, under any circumstances, to suffer from the want of any care or attention, or to need it and not receive it.

Every time Dr. Aylett or Kendall come into the Wards, they inquire of the Keepers as to the condition of the patients, and the Keepers inform them; also, they look over the patients personally; at all times, and at

all hours of the night, if a patient needs attention, we call upon one of them and they always attend to it.

I was acting as night-watch, from the fifteenth of September, one thousand eight hundred and fifty-seven, until January, one thousand eight hundred and fifty-eight; during that time, at all hours of the night, Dr. Aylett was in the habit of being up and around the Asylum, seeing personally to its condition and that of the inmates; we never knew when he would come; it was at all hours, to see that everything was properly conducted.

When the mad-house was first built, fires were kept up in it constantly, for five weeks, to dry and warm the building before any person was put there; I had orders to attend to this as a part of my duty.

For the more quiet patients, there is a regular shaving and bathing-day every week.

A. W. LUCKETT.

JOHN J. FOLEY.

I reside at the State Insane Asylum, Stockton; am now Assistant-Keeper in the Fifth Ward, (mad-house;) I went into that ward in January, one thousand eight hundred and fifty-nine; prior to that time I was in the Second Ward as Assistant-Keeper; I never had charge of the fires in the mad-house until they were occupied; they were kept up from the time the mad-house was finished until they were occupied by Mr. Boucher; since they were occupied, Mr. Luckett and myself have kept the fires up until the present time, and still do, day and night; we put in very heavy wood at night that keeps in until morning; I have always found the fires to keep all night; I have often noticed the thermometer at night; have never seen it lower than sixty-two degrees; never saw it so low but once; generally from that to seventy-eight degrees; I sleep in the building myself; have never seen the fire so low but that by putting in heavy wood it would immediately burn, without any light wood; when I looked at the thermometer and found it at sixty-two, it was lower I think than it ever was at any other time; I saw Mr. Brett frequently, while he was under the charge of Mr. Trainer; he was treated medically while he was there; he was given pills; once by Mr. Trainer, and once by Mr. Trainer and myself, which were ordered by Dr. Aylett; he was regularly furnished with his meals; after Mr. Luckett took charge of him I do not know what medical treatment he had; Mr. Luckett took charge of him on the fifth of January; I believe, during the time I had charge of him, he did not complain of his feet; he did not have anything to say at all, hardly; the first time I took him to the house, when he first arrived, he seemed to be tired or lame; I asked him if he was tired from coming down in the stage; he said he was tired and sore; that his feet or legs were sore; he seemed to be somewhat lame; I said nothing to the Physician about it, because I supposed it resulted from a jolting ride in the stage; I do not know whether there was any medical examination of him made during the time I had charge of him, unless it was when Dr. Aylett first saw him and prescribed for him; his boots were taken off the first night he was in the Asylum; he put them on again at noon; he had them on and off then at his own pleasure; the first night there was a new mattress, and two pair of new blankets in his room, and a tin-pot; in the morning we found that he had torn the mattress and blankets all up and strewed them about the room; the ticking was in the centre, and

the straw in a circle around him, he sitting on the ticking of the mattress, naked; at six and a half o'clock, I brought him his breakfast; he was sitting in the same position; he drank some of the coffee; then, about eleven o'clock A. M., I got a shirt, and went down with it to put it on him, and take him up and give him a bath; I gave him the shirt, and he put it on; he put on also his coat, pants, hat, and boots; we then both came out of the building, and on our way to the Second Ward he stopped a moment in the walk and then started toward the centre building; I stopped him and told him that was not the way, to come up stairs, that I wanted to wash him; gave him a bath, and gave him some dinner; he then insisted upon coming to the centre building; finding I could not get him up stairs to the Second Ward, I concluded to take him back; I had to call upon one of the men in the yard to assist me back with him; I then put him in the same cell, and then told Mr. Trainer what I had done; it was then near dinner-time: I then took him his dinner; then I saw him in about an hour afterward; I asked him if there was anything I could do for him, if he wanted a drink, or anything, and he said not; I gave him his tea, at tea-time; about eight or nine o'clock that night, I went down with Mr. Trainer to give him some pills, which were ordered by the Doctor; I then saw him on Monday morning; the pills had not operated, which I told Mr. Trainer; next time I saw him was at dinner, when he was stark naked—every particle of clothing off him; he had torn them off himself; I saw him at tea-time, when he was very violent indeed; he then had his coat and hat on; his coat was buttoned up so that I could not see if he had his shirt on; he was so violent that it was dangerous to go near him; he had smashed up a pot made of very heavy tin, as flat as a dollar; on Tuesday morning I saw him; he was not so violent; he then had his coat, pants, boots, and hat on, with his coat buttoned up; I communicated this to Mr. Trainer, and told him that the second dose of pills had operated; I gave him his breakfast as usual; Mr. Trainer and myself concluded that, as the pills had operated, and he was not so violent, that he would take him up stairs, shave, and bathe him, and give him clean clothing; that noon we went down to bring him up, but he would not come without urging him; in fact he would not come, any way; and as the Doctor's orders were not to force, or irritate the patients, we concluded to leave him until that evening; that night he was worse than in the morning; very bad indeed, though not as violent as the night before; on Wednesday I gave him his breakfast; he was much as he had been on Tuesday evening, perhaps a little better; I asked him Wednesday morning if he had slept any; he said, but very little; I think he could have slept but little; I then gave him another mattress, together with two pairs of blankets; between the time of his tearing up the first mattress, and my giving him the second mattress, he had an abundance of straw, and one pair of blankets; from the amount of straw in the cell when I cleaned it out, I should judge there was more than is contained in a mattress; I did not put any extra straw in myself, but it is always customary to put in a plenty of straw to protect the patient; don't think he had any other blankets until I gave him the two more on Wednesday; I next saw him at his next meal-time; he was then sitting upon the ticking of the first mattress, placed on the new mattress, and all of his clothes scattered about the room, except his coat and hat, which he had on; I asked him how he felt; don't know whether his boots were on, for he was sitting with the blankets and ticking around him; in answer to my question, he replied he felt very weak, and wanted to know where he was; he said "my God, what kind of a place is this?" asked how long he

had been there, and how he came there; this was Wednesday evening; I told him where he was, how long he had been here, and how he came here; after I told him this, he said: "my God, is it possible?" I told him he was brought here the Saturday previous, with two other persons, one very heavily ironed with him; he said he had a family in the States; was a blacksmith by trade; lived in Springfield, Tuolumne County; that his family lived in Massachusetts; I then gave him two more meals, when he was placed in charge of Mr. Luckett; the conversation I have given above, was the only time he ever spoke to me—to have any conversation—after the time that I took him from the Second to the Fifth Ward; I saw him the next Saturday sitting by the fire.

The only shirt of his that I ever saw, and the only one I think he had when he came here, was a very heavy white merino undershirt, which was very filthy indeed when he came here; the room he was first placed in, was No. 25; the room is six by ten feet, with an asphaltum floor.

JOHN J. FOLEY.

JOHN DILLON.

Reside in Stockton, and am a hotel-keeper; I know Otis Brett; I was at my house (the Weber House) when he was brought there from the Asylum; I assisted in carrying him to his room; my attention was called to his condition, as to cleanliness, by his brother; his brother, Mr. J. R. Brett, remarked that that was a filthy way to treat a person at the Hospital, he also said: "He has not been washed, I believe, since he has been in there—just look at his hands." I noticed his hands, they were very dirty; I inquired, then, what was the matter, and Mr Otis Brett answered—his feet were frozen; his feet were much swollen; they were a dark purple color; I had a few words of conversation with him, but do not remember what it was; I then left the room for the purpose of procuring such things as he required; I saw no blood on his face, that I recollect.

JOHN DILLON.

OLIVER WISWELL.

Reside in Stockton, and am employed in driving Fisher & Co.'s stage from this place to Sonora and back.

I have seen Mr. Otis Brett; he came down to the Insane Asylum in the stage I drove, on New Year's Day; Dr. Mensa, now of Sonora, had him in charge; we left Sonora at three o'clock A. M.; it was a cloudy cold day; don't think the ground was frozen, but it was a cold ugly day; it did not snow upon us in coming down; the road is a rough and jolty road; not uncommonly so, for a mountain road, but still it is rough; the persons in the coach were Dr. Mensa, Mr. Brett, and two other insane persons.; when Brett got in the stage it was dark, and I could not notice him; we get breakfast at the Mound Springs, but Mr. Brett did not get out, and would not have any breakfast; he was offered some by Dr. Mensa, but he would not speak; he did not speak, to my knowledge, all the way down; I first saw him, to notice him, at the Rock Hill House; I noticed the shackles that were on him when he got in and out; they were pretty stout shackles, with a pretty heavy chain; I don't think Mr. Brett or either of the other insane persons got out at Knight's ferry.

Brett looked rough, and not very clean; he never got off from his seat from Sonora to the Asylum; did not move about at all; he ate no dinner; did not eat or drink anything on the road down; we got to the Asylum at a quarter before three; Mr. Brett did not look stout, he looked worn and feeble.

When they got out at the Asylum he walked to the Asylum; he could not walk very well, but that might have been from his heavy chains; he could not walk well with them, any way.

When he got out I did not notice any difference in the chains on him and the other man, because I thought nothing of it; there might have been; I did not notice particularly.

The shackles were stout, heavy iron; I should think they might have been made of inch iron.

I took all of the insane men out of the Jail.

The Jail in Sonora is built of brick; don't think there was any snow on the road.

The shackles were made of round iron.

OLIVER WISWELL.

DR. WASHINGTON M. RYER.

Reside in Stockton; by profession a Physician and Surgeon, and a graduate of the University of New York. I know Mr. Otis Brett; I was called in to see him on the evening of January ninth, one thousand eight hundred and fifty-nine, at the Weber House; when I saw him first he was laboring under a great amount of constitutional irritation; his tongue was heavily coated; he would faint upon the slightest exertion; his feet were cold—livid in color—his toes were shrunk, and black; there was no circulation in his feet that I could detect; no sensation in them; the ankles were red, and covered with an erysitratitious blush; I think the feet were dead to the ankles, but no further; I could find no life in them; this I think comprehends all the symptoms of his case; I continued to attend upon him personally every day until the twenty-fifth; I was then absent three days, he being under the charge of Dr. Sposati during my absence.

Upon the twenty-ninth, we amputated one of his feet, and the other upon the thirtieth of January, one thousand eight hundred and fifty-nine; the amputation was performed between the ankle and the knee of each leg.

The affection of his feet was gangrene; the cause and origin of this affection is very difficult, and often impossible, to determine; there are many cases of gangrene reported that are startling in their character, and absolutely impossible for the best of Surgeons to fully comprehend. Mr. Brett is forty-five years of age; there is with the insane generally a tendency to a coldness of the extremities; this case did not arise from ossification of the arteries; heavy shackles and a continuous exposure to cold for some time might produce gangrene.

Dr. Kendall asks—Will a close band about the extremities impeding the return of the blood through the venous system, together with cold, produce gangrene?

Answer.—It sometimes will. Gangrene of the extremities will sometimes, as reported cases show, proceed from causes so apparently light as to be absolutely astonishing; it might proceed from confinement in a room, the temperature of which was from seventy to seventy-five degrees,

if the floor was cold, and the feet exposed naked to it, especially if the floor was of stone, metal, or asphaltum.

The tendency to coldness of the extremities varies in different insane persons; in violent cases of insanity it would certainly be more difficult to protect the extremities from cold, by covering, or otherwise.

I do not think any person could tell the causes of the gangrene in this case; we could only have our impression or belief, unless we knew all the facts and circumstances from the commencement of the case.

Mr. Otis Brett is now, and has been, since he has been in my charge, perfectly sane.

When I first saw him, his hands, feet, and face, were dirty; there was a little spot on his forehead, and one on his neck, that looked like blood, that had been there some time; I did not see the blood washed off; it did not look fresh; it looked like it had been there some hours; this was in the evening, about supper-time; there was no deep injury where the blood was; it appeared to be a light brush, scratch, or something of that kind, that did not amount to much.

When I was called in to see Mr. Brett his pulse was intermitting, going up as high as one hundred and thirty-two beats; all my attention was directed to preventing immediate death, as he was very feeble, and I apprehended immediate death.

W. M. RYER, M. D.

DR. NICHOLAS SPOSATI.

I reside at Stockton; Physician and graduate of Montpelier, in France. I first saw Mr. Brett about a week after he left the Asylum; his feet were then gangrene, approaching sphacelus; it was then impossible to save them; it was certain they must be amputated; the natural amputation was then commenced, and the line of demarcation was very distinct; about two weeks afterward his feet were amputated; the line of demarcation was above the ankle—just above. There are many causes for gangrene; the result is the same in all cases—the death of the part; this was not dry gangrene when I saw it; I have seen cases of frost-bite; I could not say what caused this; it would be imposible to say what caused it; the feet were completely dead; I never saw a case of dry gangrene produced from frost-bite.

N. SPOSATI.

C. W. NORCOM.

My name is C. W. Norcom; I reside in Stockton; by profession, a Physician and Surgeon, and a graduate of the University of Pennsylvania.

I first saw Mr. Otis Brett, about two weeks since, at the Weber House; I was conversing with Drs. Ryer and Sposati, and it being about the time they contemplated making a visit to the sick man, they asked me to go up and see him; I went up, and remained in the room fifteen or twenty minutes; I saw and examined his legs, and saw them dressed; I made a professional examination; the condition of the legs was, however, very apparent, without much examination; they were in a condition of severe gangrenous inflammation, approaching mortification—approaching sphacelus, which is a condition of complete death of the part affected; it would be difficult to determine, from their condition, how long they had been

gangrene; I had never seen the patient before that time; I should suppose it would be two or three weeks after the commencement of gangrene, before the feet would become in this condition, everything would depend, however, upon the physical condition of the patient, and his treatment; if he were taken from great exposure to cold, and carried to a fire and warmed quickly, gangrene might ensue very rapidly, more so than if warmth were gradually communicated to his system; dry gangrene, where it develops itself, is often and generally spontaneous—being developed without any apparent visible cause; it sometimes is produced from eating the ergot of rye; dry gangrene is easily distinguished from other descriptions of the same disease; this case was not dry gangrene.

I should suppose the species of gangrene developed in this case, would never appear spontaneously.

If an insane person was to be confined in a cell, with heavy shackles upon his feet, for two nights and a day, and then placed in a stage-coach at three o'clock, A. M., of a cold day, and conveyed from Sonora to Stockton, without protection from the cold, such a state of facts, connected with the jar and bruising of the irons upon the feet and ankles, would, I should think, be ample cause to occasion gangrene of the character of this case—and if the patient was to be protected from the cold by nothing further than his ordinary clothing, it would additionally aggravate the cause—the system of an insane person being peculiarly sensible to the effects of cold—their extremities being also subject to cold.

As to whether immediate treatment would remedy the evil, and save the limb, would depend entirely upon the exact circumstances of the case—it might be remedied, or improper treatment might greatly hasten the gangrene.

I believe, from the appearance of the feet of Mr. Brett, that they had been frozen or frost-bitten, this being the only case I have ever seen in this place; in cases of frost-bitten extremities, no treatment could save the limb beyond the extent where vitality had been destroyed by the cold.

In cases of frost-bitten extremities, outward applications and internal remedies are necessary to be used in such instances as the symptoms may require, but where the vitality is destroyed by a frost-bite, no application could save the part so injured.

The effect of the shackles would depend upon the manner in which they were placed upon his feet, and the degree of pressure; gangrene is not produced by cold, unless it is extreme cold, from five to ten degrees below zero, and from a long continued exposure to it; a person, however, might be exposed to a degree of cold not sufficient to produce a frost-bite, and upon being hurried into a heated apartment, gangrene might take place—or if heat were improperly communicated to his system, when the cold itself would not be sufficient to produce gangrene.

If the feet of a person were badly chilled in coming from Sonora to Stockton, and were then placed in a cell, and no means taken to restore the warmth to his feet, the effect upon them would depend entirely upon the condition of his system; if the heat of the cell was to the degree of seventy, I would not think that would aggravate the tendency to gangrene.

Question by J. R. Brett.—If a person came down from Sonora to Stockton, on a cold, raw day, with heavy chains placed on him, at three o'clock A. M., and that producing sovere chill, that chill being kept up by inattention and coldness of the atmosphere for eight days, would it not produce gangrene, without the feet being actually frozen?

Answer.—It would depend upon the degree of heat in the room, and the amount of clothing, and subsequent treatment; if the room in which he was placed was at an average temperature of seventy degrees, and the feet only chilled, the remaining in that room would not be sufficient to produce gangrene.

A stoppage of circulation, from the effect of pressure, is a frequent cause of gangrene.

C. W. NORCOM, M. D.

GENTLEMEN:—In giving my testimony a few days ago, I think I stated that the appearance of Mr. Brett's feet resembled frost-bite. I wish to correct this by stating that in gangrene generally it is not possible to say, from its appearance what caused it.

Respectfully,

C. W. NORCOM.

DAVID W. TULLOCH.

Reside at Knight's Ferry, and am not engaged in any regular business; I have seen Mr. Otis Brett; saw him at Knight's Ferry, thirty-six miles from Stockton, when he was being carried to the Insane Asylum; it was some time early in January, 1859, between eight and nine o'clock, A. M.; the stage had stopped to change horses; Mr. Brett was out of the stage when I came down to the hotel and first saw him; did not notice who had him in charge; he was sitting on the porch of the hotel; I did not know, until after he left, what was the matter with him; he did not speak; what drew my attention to him, was the fact of his being so heavily ironed, and his hair all matted up; I thought, from his appearance, that he had been neglected, and not properly cared for; he looked dirty, his face dirty, and hair matted up; his fetters on his ankles were very large, being made of inch iron; they attracted my attention, they were so large; I thought they hung down on the top of the instep, and that their weight was entirely too great; they were so heavy that they monopolized my attention; I thought he must have committed some great crime; they were too heavy to put on any man; the day was quite cold and raw; I think there was some snow on the top of the coach, but am not certain; he rode on the inside; the roads from Knight's Ferry here were tolerably rough; the coach was what is called a mud-wagon, and used as a stage in the winter, having very little spring; there were other insane men in the coach, but I noticed this one in particular, thinking he must be a desperate man, or they would not iron him in that shape; I did not notice any bruised places or blood upon his face; it was quite dirty; his face was not swollen, that I noticed.

DAVID W. TULLOCH.

W. E. STEWART.

W. E. Stuart, upon being first duly sworn, deposes and says:

That he is a resident of Knight's Ferry, San Joaquin County, and is Postmaster of this place; that on or about the first of January, A. D. one thousand eight hundred and fifty-nine, I noticed two men, one of whom was heavily ironed, sitting upon a bench, upon the porch of the

hotel; I inquired of some persons who they were, and what they were ironed for, as I supposed they were criminals on their way to the Penitentiary; I was informed that they were insane, and to be taken to the Insane Asylum; Mr. Bishop and I then had some conversation relative to ironing men in their unfortunate condition as they were ironed, thinking it was rather cruel; I noticed the two insane men getting in the stage; one helped the other in—the one that was chained the heaviest; his chains looked more like an ox-chain than anything else; I should judge the fetters were made of round iron, at least one inch or one inch and a fourth in diameter; the man heavily ironed was a man with high cheek-bones, rather broad face, with rather narrow chin, dark brown hair, probably a little gray, and about forty or forty-five years of age, and blue or gray eyes; the weather was rather damp and cold; I know I wore an overcoat that day, and I also noticed he had no overcoat on; I also noticed that the one least heavily ironed helped the other one in the stage.

W. E. STEWART.

STEPHEN BISHOP.

Stephen Bishop, upon being first duly sworn, deposes and says:

That he is a resident of Knight's Ferry, San Joaquin County; on or about January first, one thousand eight hundred and fifty-nine, whilst here, I saw two men manacled, said to be insane, going down on the Stockton stage; they were both taken or helped out of the stage, and were seated upon the porch of the hotel; I noticed that one of them was very heavily ironed, much more so than the other, so much so as to cause me to remark it, and to inquire about it, when I was informed that he was so furious that they could do nothing with him; I should think the irons on him were an inch or one inch and one-fourth, and I think they were made of round iron; I remarked to Mr. Stewart, the Postmaster here, that I considered it a shame to manacle an insane man in such a cruel and barbarous manner; this man I have understood to be Mr. Otis Brett; as near as I can recollect, the weather was quite cool.

STEPHEN BISHOP.

GEORGE B. DOUGLASS.

I reside in San Joaquin County. On or about the first of January, one thousand eight hundred and fifty-nine, I was at Knight's Ferry, and saw three persons said to be insane; two got out of the stage that runs from Sonora to Stockton, and sat on the porch in front of the hotel; they were both heavily ironed; one was ironed very heavily—the other not so heavy; it was remarked that they were criminals, judging from the extraordinary heavy irons; I thinkthe irons were round; when this remark was made the person in charge said they were insane; some person then remarked that it was a damned shame to iron insane men in that manner; the irons were so heavy that the one with the lightest irons had to help the other into the stage, he was so heavily ironed; the day was very cool and raw; the person in charge of the insane men was Dr. Mensa; they did not come into the inside of the house.

G. B. DOUGLASS.

W. P. GIBBONS.

I reside at Columbia; I am a practitioner of medicine, and a graduate of the University of the State of New York.

I have known Mr. Otis Brett for the last year, at Springfield, Tuolumne County; I first knew of his insanity on the evening of the twenty-eighth of December, one thousand eight hundred and fifty-eight; I had not seen him during the preceding week; on the twenty-eighth of December he was insane, not violently so, but a general lunacy; I did nothing for him; he was at his residence, at Springfield, at that time; I saw nothing particular about him other than his lunacy; he was otherwise apparently well; and I did not think it advisable at that time to attempt any medical treatment, because he had no regular nurse; was living alone in the house, and the probabilities were, that he would be better cared for, and have a more favorable chance of recovery at the Asylum than under private treatment; the next morning, about eight o'clock, Mr. Baker called for me, and we went to see Mr. Brett together, and found him in a much more excited state than he was the evening previous, so much so that I deemed it necessary to take immediate measures for his removal; his friends who were with him, under my direction put clean clothes on him, made a strait-jacket, put him in a wagon, and he came down in company with two of his friends; Mr. Baker and myself accompanied in a separate conveyance; after arriving here he was boisterous, but not violent; he complained of his feet being cold; and after the examination before Judge Martin, we accompanied him to the prison, (Mr. Baker and myself;) I stated to the Deputy-Sheriff prior to his going to the prison, that it was repugnant to my feelings, and those of his friends, to have him put in irons; the Deputy replied, that it would be necessary, that they could do nothing with him without it; I afterwards appealed to the Sheriff in the same manner, and in the presence of Mr. Baker, the Sheriff said it was unnecessary that he should be placed in irons; Mr. Baker suggested that a couple of Mr. Brett's friends should remain with him, so that suitable care should be taken of him; after seeing him comfortably placed in the Sheriff's room, we left, with the assurance of the Jailer that every proper attention should be bestowed upon him, and that he would keep him comfortable and warm; on our return we stopped at Springfield, where Mr. Baker made arrangements with two of his friends to come down and remain with him; after which time I knew nothing more of him personally; he was warmly clad with woolen stockings, and other clothing; from the manner in which his arms were confined his coat could not be well put on; he had extra under-clothing to keep him warm; he had a flannel under-shirt, then a white shirt, then a check-shirt, with a cloth vest, the strait-jacket, made of a double thickness of a shirt, and a heavy frock-coat buttoned around, boots, etc.

Mr. Brett's general physical health was good; he was a man of temperate habits, and never abused himself by excesses of any kind, to my knowledge; hence he was capable of great powers of endurance; he had a movement of the bowels during the night before we brought him down.

For the few days ending January the first, one thousand eight hundred and fifty-nine, the correct degree indicated by the thermometer at Columbia was 30°.

W. P. GIBBONS.

HENRY BAKER.

I reside at Columbia, Tuolumne county, and am a minister of the Methodist Episcopal Church; have charge of the Church at Columbia, and Springfield; I last saw Mr. Brett (before his insanity) on Friday evening, December twenty-fourth, one thousand eight hundred and fifty-eight; on the Wednesday evening prior to that evening, (December twenty-second,) I first saw what I conceived to be symptoms of insanity; it was at a class-meeting; he prayed at the class-meeting, just as I was about to close, very long and very incoherently; he was not at church on Sabbath evening as usual; on Tuesday morning I first saw him again; he was then deranged; I sent Dr. Gibbons down that evening; the next morning we went down together, (Dr. Gibbons and myself;) then we took such steps for his cure as Dr. Gibbons has related; when we left him at Sonora the understanding was that he should go down to Stockton the next morning; I offered to go down with him myself, or to send a man with him, and offered to pay the Jailer extra to take especial good care of him, but the Jailer refused any compensation, and assured us that the best care should be taken of him.

On Friday afternoon, the thirty-first of December, I visited him in his cell; the Jailer told me he had been perfectly quiet since the night before the last, and that I could go in and see him, which I did, the Jailer going in with me; Mr. Brett appeared to be very sad; called me by name, and, to all intents, seemed to be perfectly rational; I talked with him in the presence of the Jailer some ten or fifteen minutes, on general subjects, when he apparently intimated that he would like to have the Jailer go out, and to see me alone; I think the Jailer then stepped out; then Brett inquired what he was put in the prison for; if he had committed any crime; we conversed there for a half hour, all of which was perfectly rational, when he asked if he could go out with me; the Jailer said we might walk out, which we did, in the yard; after spending ten or fifteen minutes talking, he said his feet were cold, and he would like to go and warm them; instead of stepping in to the stove as we went into the building he stepped toward the outside door; he saw my horse, spoke of him, and of his having been lame; also, of the mountains; and how glad he was to see them; how much he wished to get out, he appeared perfectly rational, except that his memory was somewhat defective; I spent an hour or more with him, in all, when the Jailer said he must get supper, and wanted him to go to his cell; he did not want to go to it; said he did not know why he should be shut up; said he had once before had an attack of insanity from sickness; talked as rational as any person about it; I thought that he ought not to be sent to Stockton, but, as his property had been attached, I was afraid to tell him for fear it would set him back, and knew we had no place where we could keep him properly, and as all the arrangements had been made for him to go to Stockton, I thought perhaps he had better go for a short time; this was the only reason why I did not protest against his going.

He objected to going to his cell, when I told him that we were all trying to do the best we could for him, and if he did not go they would then surely think he was insane; he then said he would go; I did not see him afterwards; when Brett came over to Sonora, Mr. Seavey drove the wagon, and Messrs. Campbell and Dixon rode, one on each side of him.

H. BAKER.

A. D. SEAVEY.

A. D. Seavey, sworn:

Brought Mr. Brett to Sonora; when in the Sheriffs office, Mr. Brett held his foot lightly against the stove; some one remarked, he would burn his foot; I put my hand on the stove, and remarked, that it was not hot enough to burn his foot; I know it would not have burned my foot; some one remonstrated with Brett; he said it was not hot enough to burn; I shouldn't actually think that his foot was against the stove longer than fifteen minutes; in bringing Mr. Brett from Springfield, he stamped on the bottom of the wagon, and when in the Sheriff's room, he complained that his feet were cold; it was a cold, raw day, and my feet were cold; I kept my hand on the stove, when I felt it, I think a minute or two.

A. D. SEAVEY.

L. B. BLAKE.

I reside in Sonora, Tuolumne County, and have been Constable.

I saw Mr. Otis Brett the day he was brought to the Court-house; he was sitting by the stove, and was continually pulling one of his boots off, and placing his foot, with the sock on, against the stove; the stove was so hot that you could not put your hand to it; they finally took him away from the stove; could not say how long he held his foot on the stove; they tried to make him keep his boot on; I think Mr. McFarland put it on once, and perhaps twice; he would pull his boots off with his feet, his arms being pinioned with a sort of tight-jacket; he was very crazy and violent, more so, I believe, than any man I ever saw; I think the tight-jacket was made of a sack of some kind, put around his body and arms, to his elbows.

L. B. BLAKE.

W. W. TRAYLOR.

I reside at Sonora, Tuolumne County; I am not in any particular business, at present; am winding up my old business affairs.

I saw Mr. Brett as he was brought into Sonora, from Springfield; and I came up to the Court-house immediately after he was taken there; he appeared to be insane and restless, and would exert himself to get loose; he had a kind of jacket around his body and arms, so that he could not use them; his feet and legs were not bound; he was singing and attempting to dance; when he was sitting down he would stamp the floor with his feet; he appeared to be insane on religious subjects; he appeared to have a disposition to take the boot off of his left foot; was restless and uneasy when it was on; and resisted when they endeavored to put it on; and complained that his foot was cold; when his boot was off (a woolen sock being on his foot,) he would place his foot on the stove; the stove was so hot that a person could not hold his hand on more than a moment, without burning; I should think he held his foot on the stove nearly half an hour, possibly more; the Keepers cautioned him that it would burn him, but he said it would not, and as it did not appear to do so, they suffered him to do it; he only put one foot on the stove; and when he was taken to the Jail, he did not appear to suffer any pain in

walking; the weather was quite cold, frosty weather; the ground would freeze every night, and thaw during the day.

W. W. TRAYLOR.

HAMILTON PATTERSON.

I reside in Sonora, Tuolumne County; I am Keeper of the County-jail; I know Mr. Otis Brett; I never saw him until he was brought to the Jail, about the last of December, A. D. one thousand eight hundred and fifty-eight; he was brought by the Sheriff, accompanied by two or three other men I did not know, about three o'clock, P. M.; he was very wild and violent at the time; I put him into the Sheriff's-room, in front of the Jail; his friends did not want him put in one of the cells, for fear it would make him worse; he remained in this room until dusk; I then brought him out to supper; he ate supper; two of his friends, from Springfield, then came to take care of him; they sat up with him all night, in the same room, and watched him; the next morning they told me they had had a great deal of bother holding him; while I was opening the doors he jumped up; they held him as well as they could, but he broke loose from one of them, and kicked over the stove; as they were going to leave, I told them I thought it would be best to put him in one of the cells, which I did.

The stove was a box-stove; I kept him in the cell; he tore down a board or two, fixed up in the cell to put cups on, and hammered away all night, and was quite violent; he remained in the cell two nights and two days, in addition to the night his friends were with him—being, in all, three days and nights; the irons were put on him about nine o'clock of the last night he was in the cell; they were large shackle-irons; the shackles were round iron, three-fourths or one inch in diameter, with a chain three and one-half or four feet long; he complained, the first day he was here, soon after he was brought, that the toes of one of his feet were chilled, or cold; the chain and shackles he had on weigh ten pounds. [Chain exhibited to the Committee.]

Mr. Brett had on, when he was brought to the Jail, a check shirt; don't know that he had another, for I could not see; after he left I found that he had torn the check shirt off; his coat was buttoned up close, when he left, so that I could not see his shirt, and I did not know it was torn off until I found it in his cell; I don't think he had any movement of his bowels while in the Jail; don't think it possible he could have had his feet frozen in the cell; he had three pair and one-half of blankkets.

HAMILTON PATTERSON.

IRA SMITH.

I reside at Sonora, Tuolumne County; am a policeman; I first saw Mr. Otis Brett the morning he was placed on the stage, to go to Stockton; it was between two and three o'clock, A. M.; it was a cold, raw morning, but I should not think it to be extremely so; I saw him at the Jail, and assisted in putting him on the stage; he was heavily chained; he would walk around dragging the chains; I tried to get him to hold them up, but he would not; as he went down the steps, to get in the stage, I took hold of them and held them up; he did not hold them up

at all; he was dressed apparently comfortable; he did not have any overcoat on.

Thinking since of his peculiar way of walking, I have thought something was the matter with his feet; he was put on the back seat, by the side of another one, who was also ironed; a third maniac was in the stage; Dr. Mensa had charge of them; he sat on the front seat, I think, facing the insane men; Brett appeared wild, strange, and evidently insane.

IRA SMITH.

EBENEZER POPE.

I reside at Sonora; I was at the Jail, taking care of a sick man, all the time Mr. Brett was in the Jail; while he was in the cell he was continually kicking the walls and door with his feet, very violently and hard, and shouting; he was so noisy that he disturbed every person in the Jail.

E. R. POPE.

H. B. McNEIL.

I reside in Sonora, Tuolumne County. Am a lawyer.

I saw Mr. Brett when he was brought to Sonora; I saw him first as friends were taking him out of the wagon; as soon as he was fairly out of the wagon, and attempted to walk, I judged from his apparent disinclination to trust himself on his feet, that he had probably been run over and injured in his lower limbs, by the wagon that brought him up. I afterwards saw him in the Sheriff's office. As soon as he was placed on a chair, so that his feet would naturally rest on the floor, he showed the same tenderness about them, and seemed determined to settle down out of the chair on his knees. I then for the first time, was informed that he was a crazy man, and left. I never saw him afterwards.

H. B. McNEIL.

JAMES F. McFARLANE.

I reside at Sonora, Tuolumne County, and am Deputy-Sheriff.

Mr. Otis Brett was brought to Sonora on the afternoon of the twenty-ninth of December, one thousand eight hundred and fifty-eight, and placed in the Sheriff's office by Mr. Baker, and his friends; they told me he was insane, and wished to have the County Judge have him examined; the County Judge and Physicians were notified by us, and they had the examination; during his examination it took two of his friends, and the Rev. Mr. Baker, to keep him sitting in a chair; during the examination, he was screaming out "Mercy to God," and praying and calling on God to save him, etc., as an insane man would; Mr. Baker talked to him, and as he would get a little quiet, he would try to pull off one of his boots; sometimes one, and sometimes the other; finally he got one off entirely; his screaming and noise brought all the neighbors in to see what was the matter; about the time the examination was through, some of his friends asked what I intended to do with him; I replied, to take him to the Jail, put irons on him, and send him to the Asylum; Mr. Baker then said: "Mr. McFarlane, you ought not to put irons on brother

Brett, I wish to see Mr. Sedgwick, the Sheriff;" I told him I would bring Mr. Sedgwick down, which I did, and told him the condition of the man, and how they had him fastened, which was, sewed up in a gunny-bag, or some thing of that kind, it being put round his body and arms, to his elbows; Mr. Sedgwick came down and saw Mr. Baker, Mr. Brett, and the others; in the meantime, the commitment was made out to take him to the Asylum; Mr. Baker and Mr. Sedgwick had some conversation relative to Mr. Brett and the Insane Asylum, and Mr. Baker wrote a note to Dr. Aylett; he wrote it on our desk, in the office; we then took Mr. Brett to the County-jail; Mr. Sedgwick, Mr. Baker, and other friends of Mr. Brett, went to the Jail, where we put him in the front room; Mr. Sedgwick then told me that the friends of Mr. Brett did not wish him put in a cell; that they were willing to set up with him, and asked me to go down and see Dr. Mensa, if he was going down, to take Mr. Brett, remarking to me, that two of his friends would set up with him; he also gave me money to pay Dr. Mensa to take him down; I was unable to find Dr. Mensa during that evening, and was called off on some other criminal business; got home about three o'clock in the morning, and about six o'clock, A. M., the gentlemen that sat up with Brett, left the County-jail, and came down to my house, called me up, and wanted to know why I had not sent Mr. Brett down; I told them the reason; they then stated they were not willing to take the chances of sitting up with him any more; that he had kicked the stove over, and liked to have burnt up the Jail, and they had to put him in a cell; they said they would like to see Mr. Sedgwick, and I told them to wait, and I would go and bring him to the office, that they might see him; I went to Mr. Sedgwick's house, and he came down and saw them; they told him what Mr. Brett had done; that they thought best to put him in a cell, that he was rather rough, and had kicked the stove over; he then told them they need not be the least alarmed, that he would take good care of him, and send him below safe; that they need not interest themselves any more in the matter; the next I heard of it, Mr. Sedgwick told me Dr. Mensa would take him down, which he did.

JAMES F. McFARLANE.

CHARLES F. DODGE:

I reside at Sonora, Tuolumne County, and am a Justice of the Peace; I saw Mr. Brett on the afternoon of the 29th of December, on the street, as they were taking him to the Court-house; I then went up to the Court-house as he did; when I first saw him in the street, he was lying on his back, in the wagon, with his feet sticking up, calling out "Hallelujah! Glory to God!" etc.; he had thrown himself on his back.

I told them to take him to the Court-house, which they did; I got there before the wagon; when they got there, they had to take him out by main force, and it was some time after they got him in the Sheriff's office before they could get him quiet; he then commenced complaining of his feet, and seemed to be suffering intensely from them; it seemed as though the pain in them was the only thing he was lucid upon; he would kick at the stove when his boots were on; finally, at his solicitation, they pulled them off; after getting the boots off, he held his feet to the fire, and seemed to be relieved from it; I judged, at the time, and so expressed myself, that his feet had been frost-bitten; he was very violent; when they took him out of the wagon, he would not put his feet

to the ground; they had to carry him; he did not touch his feet to the ground; there were two men on each side of him, carrying him; from his manner, his feet appeared to have been injured.

CHARLES F. DODGE.

STATEMENT OF MR. OTIS BRETT,

WHO WAS AN INMATE OF THE INSANE ASYLUM FROM THE FIRST DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE, UNTIL THE NINTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE, HAVING BEEN SENT FROM THE TOWN OF SPRINGFIELD, IN TUOLUMNE COUNTY—A NATIVE OF THE STATE OF MAINE—AND WHO EMIGRATED FROM THE STATE OF MASSACHUSETTS, A. D. ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE—FORTY-FOUR YEARS OF AGE.

I was first taken with the affliction, on the account of which I was conveyed to the Asylum, about last Christmas; I was at home that day; I was cabining by myself; I had friends that were frequently in with me before I was taken; after I was taken, I remember many of my neighbors coming into the house; Dr. Gibbons was called to give me medicine; this was a day or two after I was taken; he gave me medicine; Mr. Baker, a friend of mine, also called in; a few days then passed, in which I seemed to be confined; I could go out and come in; my friends called in to see me; I remember they took me into Messrs. Vail & Seavey's wagon, and took me to Sonora; this was after a few days; my friends were with me; Mr. Seavey drove his team over himself; Messrs. Campbell and Dixon went over also; one sat on each side of me; that was all there were in the wagon; I don't remember what day this was; we went to Sonora, and, I think, went into the Court-house first; I went in and sat down by the stove, and pulled of my boots and warmed my feet; I think they felt cold, but don't remember; Mr. Sedgwick and Mr. Baker were making out some papers; I was not particular about their taking my boots off; they seemed to do it from choice; after I was there awhile, they took me to the Jail, put me in a room, and covered me up; I lay there until night; there was a fellow sat at the door, and kept guard over me; about dark they moved me from that room to one opposite, across the entry-way, that had a stove and fire; I stayed there that night; I got my supper; there were two of my friends came over from Springfield, and stayed with me that night—Messrs. Armstrong and Crays; I recollect my arms were pinioned, either back of me or before; I don't know which, but think it was forward; they were all friends to me, and used me about as well as they could; we were up all night; had refreshments, through the night, to eat and drink; had no liquor; in the morning they took me and put me in a cell; I recollect I kicked around some; don't know that I resisted particularly; I know I kicked the stove over; I did not feel malicious; I stayed in the cell, pretty contented, one day and part of the night, when they took me out and put me on the stage, at two o'clock, A. M.; I then came on to Stockton; they put the irons on me just before I came out to go on board of the stage; the young fellow that kept guard over me helped put them on, and I think Sedgwick was there; I think the young fellow was cross-eyed.

I remember that when I got ready to go on board the stage, I took hold of the chain in the centre, and walked out; there were two men in the stage at the same time—one sat on the seat, by my side, and the

other facing us. I remember coming along; remember the places I had known, until I got to Knight's Ferry; don't remember what happened there, some say we changed stages there, and some say we did not; I don't remember that I got out of the coach there; when we got here, they drove me out to the Asylum; they helped me out of the stage, and I took hold of the chain, and walked up to the building; walked around on the ground-floor, until I came to a pair of stairs, and then I went up into the second story; after I went up stairs, I sat down on a bench, in the main passage, near the stove-pipe; I sat there awhile, and went to a window that set back from this passage, some little way to the left; I think I sat down on the window-stool; I sat there until they got ready to take me out to the cell—dog-hole, I call it, to call things by their right names; the first night, they put me in the first room, to the left; there was a mattress there that night; I stayed there that night, when they moved me to another room, about two doors nearer the stove; I was in that four or five nights, I should think, with nothing in it but some straw, that was very dirty, and one blanket; this was all the bedding I had the four or five nights I was there.

Then they moved me to another cell, within two doors of the stove—there I had plenty of blankets, and a mattress; Mr. Luckett had charge; I was in that cell something like four days; this time I had no shirt or drawers, only a pair of pants, somewhat torn, and a coat; the day before I left, they let me out to the stove; I crept out on my hands and knees; I could not let my feet touch the floor; this was the first time they let me out to the stove; they offered to carry me at the time, but I was afraid they would hurt me, so I chose to go out the way I did; they had never carried me out before that time; I had requested them to take me out and clean me up, and give me some more clothes, but it was of no avail; I don't remember that they ever took me out of the mad-house after they took me in.

I don't remember anything I did the first night I was there; I don't remember tearing anything while I was there—my clothes, or anything else, unless I tore my undershirt once; I remember having taken all my clothing off, except my boots and stockings, once; I think they were very regular about my meals; I think I was rational almost the whole of the time I was there, and knew everything that was going on; my recollection about these matters is tolerably distinct.

I think I suffered from cold during the nights; it was colder nights than during the day; the cold was not enough to be painful to me.

I recollect one of the Physicians coming in to see me—he was a thick-set man; he examined my feet, put his fingers on the bottom of them, and his thumb on the instep, and said, "Oh! he will get well;"—that was all he said, and he went out.

STATEMENT OF DR. THOMAS KENDALL.

I reside in Stockton; am Assistant-Physician at the State Insane Asylum; by profession a Physician and Surgeon, and graduate of the Washington University, Baltimore, Maryland.

I saw Mr. Brett first on the morning of the second of January, one thousand eight hundred and fifty-nine, laboring under the influence of acute mania; Dr. Aylett had prescribed a cathartic the night before; I instructed the Keeper to keep him as quiet as possible, and to give him

all the freedom he safely could in his room; I also saw him every day thereafter up to the morning of the ninth of January; on the morning of the sixth of that month my attention was called to one of his feet; it being swollen on that morning I examined them, and made as nearly as possible my diagnosis of their disease, and came to the conclusion that they were frost-bitten, although I could not tell positively; I then instructed one of the attendants to wrap them up, but not too warmly; and on the morning of the ninth I instructed the Keeper again to keep gentle warmth to his feet, and to be very careful of them—not to keep them too warm, as they were badly frost-bitten, and to give him good warm beef soup for his dinner, and whatever else he might require, and prescribed from time to time cathartics and other remedies, such as the symptoms might require, and such as were needed during the treatment: he was very costive—bowels very hard to move—his discharges consisting of great quantities of hard forced matter.

During the entire time of his stay at the Asylum he received all the care and attention that his condition, both mental and physical, required; I saw him last on the morning of the ninth during my rounds through the Asylum; his feet were not gangrened at that time; the toes of the right foot were threatened with gangrene, but even they were not so then; his bowels had been pretty open, and his pulse was regular, though feeble, with no fever, and he showed some signs of mental recovery; I again instructed the Keeper to keep his feet gently warm, to give good warm soup and generous diet; he needed no further treatment on that day; he was taken away that afternoon, and I have not seen him since.

It was utterly impossible that the disease of his feet could have been caused at the Asylum either from frost-bite or any other cause whatever; nothing more could have been done for the recovery of his feet while he was at the Asylum than was done—if it could, it would most assuredly have been attended to; I examined his feet every day after the morning of the sixth; I don't recollect missing him any day afterward; his boots were off every time I examined; I did not order him to be removed from the mad-house—it was not necessary—and his condition was not such as to justify it; there was a partial mental restoration, and I feared the exertion and removal would produce a relapse; it had been attempted to remove him on several occasions before, and the effect was always deleterious; I intended to have him removed as soon as his condition would allow.

My reasons for directing gentle warmth to be applied to his feet were, that from their condition I concluded they had been frost-bitten in the mountains during the Christmas holidays, at which time I have learned that he was lost for several days in the mountains, near Columbia, while the weather was freezing cold; from the time he was frosted until he arrived at the Asylum, too long a time had elapsed to apply the first usual remedies for frost-bite; the treatment that I placed him under was the only treatment that could be applied beneficially at that stage of the disease.

THOMAS KENDALL, M. D.

☞ The Joint Committee of the Senate and Assembly to investigate matters connected with the Insane Asylum, request all persons having information necessary for a full investigation of such matters, to leave

their names and address at the Weber House, Stockton, as soon as practicable.

GEORGE W. DENT, Chairman of the Committee.

STOCKTON, February, 8, 1859.

[Published, during the sessions of the Joint Committee, in the Daily San Joaquin Republican, and Daily Stockton Argus.]

On motion of Mr. Titus, the reading of the report was dispensed with, and two thousand four hundred copies ordered printed.

Mr. Griffith moved that the evidence accompanying report be ordered printed.

Mr. Burton moved to refer to Committee on Printing.

Which was lost.

The question recurring on the motion of Mr. Griffith, to print the evidence, the ayes and noes were demanded, by Messrs. Titus, Price, and Lansing, and taken, with the following result: ayes, 19—noes, 13:

AYES—Messrs. Allen, Baker, Burton, Dent, Garter, Grant, Griffith, Hart, Hamm, Ketcham, Kirkpatrick, Lansing, O'Farrell, Pacheco, Parks, Parker, Price, Thom, and Titus—19.

NOES—Messrs. Anderson, Ballou, Berry, Burch, Dickinson, Denver, Holden, McDonald, Phelps, Quinn, Redman, Wheeler, and Williams—13.

So the motion was adopted.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 114, "An Act authorizing John McDougal, administrator of the estate of George McDougal, deceased, to convey certain real property," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the twenty-fourth instant, passed Senate bill No. 57, an Act fixing the salaries of District-Attorneys of certain Counties in this State;

Also, Assembly bill No. 157, an Act to authorize the Secretary of State to purchase one thousand copies of the California State Register, and to distribute the same;

Also, indefinitely postponed Senate bill No. 30, an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two;

Also, on the twenty-fifth instant, passed Senate bill No. 86, an Act to amend an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six;

And, Assembly bill No. 142, an Act for the relief of John McQuade and William Fell;

Senate bill No. 142, an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt.

C. GILMAN, Clerk.

FEBRUARY 26, 1859.

Assembly bill No. 157, "An Act to authorize the Secretary of State to purchase one thousand copies of the California State Register, and to distribute the same," was taken up.

On motion of Mr. Burton, the rules were suspended, bill considered in Committee of the whole.

IN SENATE.

Reported back, rules further suspended.

The question being upon the passage of the bill, Mr. Griffith rose to a point of order: "It is not in order for a bill to be read three times in one day, if there are any objections to the same."

The Chair decided the point of order not well taken.

Mr. Griffith moved to refer the bill to the Committee on Finance.

Which was lost.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Thom, Pacheco, and Bradley, and taken, with the following result: ayes, 8—noes, 24:

AYES—Messrs. Kirkpatrick, McDonald, Merritt, O'Farrell, Parker, Price, Wheeler, and Williams—8.

NOES—Messrs Anderson, Allen, Baker, Ballou, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Pacheco, Phelps, Quinn, Redman, Thom, and Titus—24.

So the Senate refused to pass the bill.

Mr. Pacheco gave notice that he would, on Monday, move for a reconsideration of the vote just taken.

Assembly bill No. 142, "An Act for the relief of John McQuade and William Fell," was read first and second times, and referred to the San Francisco and San Mateo delegation.

SPECIAL ORDER OF THE DAY.

Senate bill No. 32, "An Act to amend an Act defining the time of commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty-eight," was taken up.

Mr. Burch offered a substitute for the same, and moved that the substitute and bill be recommitted to the Judiciary Committee.

Which was adopted.

On motion of Mr. Griffith, Senate bill No. 40, "An Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco," was taken up, and made the special order of the day for Tuesday, March first, at twelve o'clock, M.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 209, an Act concerning the County Auditor of San Joaquin County;

And, Assembly bill No. 210, an Act to amend an Act entitled an Act amendatory of, and supplementary to, an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and the gradual liquidation of the debt, approved April twenty-ninth, one thousand eight hundred and fifty-six;

Also, Senate bill No. 123, an Act to provide for a Police Contingent Fund, in and for the City and County of San Francisco.

C. GILMAN, Clerk.

FEBRUARY 26, 1859.

Assembly bill No. 209, "An Act concerning the County Auditor of San Joaquin County," was taken up, read first and second times, rules further suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back, rules further suspended, bill read a third time, and passed.

Assembly bill No. 210, "An Act to amend an Act entitled an Act amendatory of, and supplementary to, an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the same, approved April twenty-ninth, one thousand eight hundred and fifty-six," read first and second times, rules further suspended, and bill considered in Committee of the Whole.

IN SENATE.

Reported back, rules further suspended, bill read a third time, and passed.

Mr. Merritt, by leave, offered the followed resolution:

Resolved, That Julius Schulz be, and he is hereby, allowed the sum of two hundred and forty-two dollars, being the amount due by the Senate, for translating the Governor's Message into the German langage, and that the same be paid out of the Contingent Fund of the Senate.

Which was referred to the Committeee on Public Expenditures.

Mr. McDonald, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 142, an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, and find the same correctly enrolled.

McDONALD, for Committee.

Report accepted.

On motion of Mr. Pacheco, the report of the Committee on Public Expenditures, "relative to the translation of the laws into Spanish," was taken from the file.

Mr. Anderson moved to recommit that portion of the report "relative to the Message" to the Committee on Public Expenditures.

Which was lost.

The report was then adopted.

On motion of Mr. Burton, the vote by which the Senate, on yesterday, amended Senate bill No. 120, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, one thousand eight hundred and fifty-four," by striking out the enacting clause, was reconsidered, and the bill referred to Senators Phelps and Ballou.

Mr. Burton moved to take from the table Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of the State, for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive."

Mr. Anderson moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Pacheco, and Anderson, and taken, with the following result: ayes, 13—noes, 13:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Carter, Holden, Merritt, Parks, Quinn, Redman, Thom, and Wheeler—13.

NOES—Messrs. Burton, Dent, Dickinson, Hamm, Ketcham, Lansing, McDonald, O'Farrell, Pacheco, Parker, Phelps, Price, and Titus—13.

The bill was then taken up, considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Burton, made the special order of the day for Monday, February twenty-eighth, at twelve o'clock, M., and every day thereafter, until disposed of.

On motion of Mr. Quinn, two hundred and forty additional copies of the report on the Revenue Bill introduced by Mr. Kirkpatrick, were ordered printed.

On motion of Mr. Price, the Senate adjourned.

Approved.

JOSEPH WALKUP, President Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

MONDAY, February 28, 1859.

Senate met, pursuant to adjournment.

The President in the Chair.

Roll called.

Mr. Quinn asked and obtained leave of absence, for Mr. Merritt, for one day.

Mr. Lansing asked and obtained leave of absence, for Mr. Griffith, for one day.

Mr. Ballou asked and obtained leave of absence, for Mr. Hart, for one day.

Journals of Saturday read and approved.

REPORTS.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands have had under consideration Senate bill No. 151, and I am instructed to report a substitute therefor, and recommend the adoption of the substitute.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the twenty-sixth day of February, A. D. one thousand eight hundred and fifty-nine, at one o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 61, "An Act concerning the officers of Calaveras County, and the collection of poll-taxes and license-taxes in said County."

Also, Senate bill No. 114, "An Act authorizing John McDougal, administrator of the estate of George McDougal, deceased, to convey certain real estate."

BERRY, Chairman.

Report accepted.

Also, the following:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 57, an Act fixing the salaries of District-Attorneys of certain Counties in this State;"

Also, Senate bill No. 80, "An Act to allow Berthold Hoen to sell certain real estate;"

Also, Senate bill No. 86, an Act to amend an Act entitled "An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six;"

Also, Senate bill No. 123, "An Act to provide for a Police Contingent Fund in and for the City and County of San Francisco;"

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Lansing presented certain accounts, which were referred to the Committee on Contingent Expenses.

On motion of Mr. Thom, the Secretary was authorized to transmit the papers and accounts of Mr. Brodie, for translation in Spanish, to the Assembly.

President *pro tem.* in the Chair.

On motion of Mr. Parks, Senate bill No. 119, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals," was taken from table, and placed on file.

NOTICES OF BILLS.

Mr. Williams gave notice that he would introduce a bill "relating to the possession of lands, the recording of conveyances, and the effect thereof."

Mr. Pacheco, pursuant to notice, moved to reconsider the vote by which the Senate refused to pass Assembly bill No. 157, "An Act to authorize the Secretary of State to purchase one thousand copies of the California State Register, and to distribute the same."

On motion of Mr. Kirkpatrick, the motion to reconsider was laid on the table.

On motion of Mr. Berry, the Secretary was authorized to transmit, to the Assembly, the affidavits relative to the sureties of Henry Bates, late State Treasurer.

GENERAL FILE.

Senate bill No. 147, "An Act to compensate the Warden of the State-prison," was taken up, ordered engrossed, and read a third time.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on Saturday last, passed Senate bill No. 132, an Act authorizing and empowering the County Recorder of Solano County to transcribe certain records, and to legalize the same;

Also, Senate bill No. 141, An Act supplementary to, and amendatory of, an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same;

Also, concurred in Senate amendments to Assembly bill No. 57, an Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco;

And adopted Assembly Concurrent-Resolution No. 35, relative to the report of the Recording Secretary of the State Agricultural Society.

C. GILMAN, Clerk.

FEBRUARY 28, 1859.

Assembly Concurrent-Resolution No. 35, "relative to the report of the Recording Secretary of the State Agricultural Society," was taken up, and, on motion of Mr. Burton, referred to the Committee on Agriculture.

GENERAL FILE RESUMED.

Senate bill No. 70, "An Act relating to the indigent sick," was taken up, and, with Senate bill No. 71, "An Act to authorize the establishment of County Infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State," made the special order of the day for Friday, March fourth, at twelve o'clock, M.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 55, "An Act to fund the entire indebtedness of Calaveras

County contracted prior to the first day of November, one thousand eight hundred and fifty-eight, and to provide means for the payment of the same;"

Also, Senate bill No. 106, "An Act to amend an Act entitled an Act to create the office of State-Printer, define the duties and compensation thereof, and provide the time and manner of the election," approved May fifteenth, one thousand eight hundred and fifty-four;

Also, Senate bill No. 121, "An Act concerning the office of Sheriff, in and for the Counties of Solano and Contra Costa;"

Also, Senate bill No. 83, "An Act concerning roads and highways;"

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

GENERAL FILE RESUMED.

Assembly bill No. 121, "An Act to authorize William B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances," was taken up, read a third time, and passed.

Senate bill No. 83, "An Act concerning roads and highways," was read a third time, and passed.

Mr. Bradley moved that the vote just taken be reconsidered.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Parks, and Redman, and taken, with the following result: ayes, 19—noes, 12:

AYES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Burton, Dent, Grant, Gregory, Hamm, Ketcham, Kirkpatrick, Lansing, O'Farrell, Parks, Phelps, Price, Redman, and Titus—19.

NOES—Messrs. Anderson, Baker, Dickinson, Denver, Garter, Holden, Pacheco, Parker, Quinn, Thom, Wheeler, and Williams—12.

So the motion was adopted.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burch, Parks, and Bradley, and taken, with the following result: ayes, 20—noes, 9:

AYES—Messrs. Anderson, Baker, Bradley, Dent, Dickinson, Denver, Garter, Gregory, Ketcham, Kirkpatrick, O'Farrell, Pacheco, Parker, Phelps, Price, Quinn, Thom, Titus, Wheeler, and Williams—20.

NOES—Messrs. Allen, Ballou, Berry, Burch, Burton, Hamm, Holden, McDonald, and Parks—9.

So the bill passed.

Assembly bill No. 10, "An Act amendatory and supplementary to an Act entitled an Act to provide for the formation of corporations, for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three," was read a third time, and passed.

Mr. Baker, by leave, introduced a bill for an Act amending an Act entitled an Act to provide revenue for the support of the government of this State, passsd April twenty-ninth, one thousand eight hundred and fifty-seven.

Which was read first and second times, and, on motion of Mr. Baker,

made the special order of the day for Tuesday, March first, at twelve o'clock, M., and every day thereafter until disposed of.

MINORITY REPORT OF THE SPECIAL INVESTIGATION COMMITTEE.

Mr. Dent, of the Special Joint Committee appointed to visit the Insane Asylum, (by request,) offered the following Minority Report:

In dissenting from the opinion of the majority of your Special Committee, as expressed in the above report, it behooves me to sustain (by the *evidence* in the case) my opinions and conclusions, which I shall attempt to do, by reference thereto.

Mr. Otis Brett was taken from the State Insane Asylum, by his brother, John R. Brett, upon the ninth day of January, one thousand eight hundred and fifty-nine, where he had been confined for the period of nine days, in the department known as the mad-house. When found by his brother he was sane, but in a condition physically most deplorable. His person was filthy, his feet and ankles swollen to such an extent that, when told that his brother had arrived, and upon being requested to come out of his cell, and sit by the stove, before his brother was ushered in, he was utterly unable to walk, and crawled there upon his hands and knees. He was immediately taken from that place, by his brother, and removed to the Weber House, where he was attended by Dr. Ryer, and subsequently by Drs. Sposati and Norcom, and other gentlemen skilled in the practice of medicine and surgery, and, after a continued course of the most unremitting care and attention, his life was preserved; but not until after he was deprived, by amputation, of both of his feet, and left, as he now is, a mere helpless wreck of suffering humanity, to behold whom the heart of the veriest stoic must weep in sympathy. When taken from the Asylum, and brought to the hotel, he was immediately attended by Dr. Ryer, who testifies that he expected him to die that night, and even now regards his recovery almost in the light of a miracle. This fact, taken in connection with the fact that he was, but a brief period of time before this, apparently a man of sound constitutional health; a laboring man, of steady, industrious habits, and sound morals, whose insanity had fallen upon him suddenly, and at a time, and in a place, where he was surrounded by friends, who immediately took charge of him, with kindness and care, until he was transmitted to the Insane Asylum—served to wrap this whole affair in a cloud of mystery and suspicion, that seemed, in my opinion, to fully warrant an immediate investigation of that State Institution in which he was confined. I urged this investigation, and, upon being dispatched as one of the Investigating Committee, upon our arrival, we left no means unemployed that we thought might fully and fairly develop this mystery; and also subjected that institution, in all its affairs, to the most careful, scrutinizing, and rigid investigation.

Whilst we were at Stockton, various rumors reached our ears to the effect that prior to his being sent to the Asylum he had been lost for a week or more, and rambled about crazy through the woods until discovered by his friends—at which time his feet had become frost-bitten, and to this cause the Assistant-Physician of the Asylum (Dr. Kendall,) ascribed the affection and subsequent loss of his feet, and pronounced the affection of his extremities to have been too long neglected, ere he came under his charge, to leave him any (or the most distant) chance of preserving the parts affected, from death.

Unable, as your Committee were, to obtain the necessary evidence

upon this point at Stockton, we proceeded to Sonora, and there summoned and examined a multitude of witnesses—all, or almost all, of whom were familiar with the condition of Mr. Brett prior to his insanity, as well, also, with the causes that produced his insanity, and his treatment and condition, during the entire period of time from the commencement of his derangement up to and until he was sent to the Asylum.

His partner in business, (blacksmithing,) testified that Mr. Brett was subject to cold feet, and would often, when at work with him, complain of coldness in his feet, and frequently sit upon the forge and warm them; that he (Brett) worked in the shop on Friday, seemingly as well as ever, and upon the Monday following, he first knew or heard of his insanity, and he was then in charge of his friends. The remainder of the testimony obtained at Sonora, although conflicting in some minor particulars, to my mind established this state of facts: That his insanity was produced by religious excitement and by unusual depression of spirits, caused by his fears for the future—from the fact that he was a married man, with his wife and eight children in the Atlantic States, all of whom were dependent upon him for support, and to whom he continually remitted his small gains, which, by his ill success in business had become alarmingly small. When first discovered to be violently insane, he was found in his cabin lying in his bed and shouting, Glory to God, etc.; a warm fire was burning in his room at the time, and he was dressed very warm and comfortably; and his clothes presented no appearance of his having been unusually exposed to the weather; in addition to which, it was proven that at that time and for several days previous thereto, the weather was very temperate and mild; in fact, the evidence of his whereabouts prior to his becoming violently insane and being taken in charge by his friends, completely negatives any idea that his feet were either frost-bitten or frozen, during the period of time he was in Springfield, (where he resided and carried on his business.) After taking charge of him for one day, changing his clothing, etc., his friends brought him over in a wagon to Sonora, intending to take him to the Asylum; nothing was wrong, that they discovered, with his feet; but when taken from the wagon in Sonora, to be taken to the Court-house, he manifested a reluctance about walking and was carried into the Sheriff's office, where he complained of his feet being cold, and pulled off one of his boots and held his foot against the stove for some time to warm it; this was whilst he was being examined by physicians, and whilst the proper commitment was being made out to send him to the County-jail; when this was done, he walked uncomplainingly to the Jail, where he remained but two days. The first night he was kept in the Sheriff's room, a warm, comfortable apartment, with a good bed, stove, etc., in it; he was watched by two of his friends during that night, who also kept a fire burning in the room; but in the morning, owing to his having become so boisterous, he was removed to a cell, where he remained during that day and night, and the next day and part of the next night, viz.: until two o'clock, A. M., at which time he was taken out of Jail and placed upon the Stockton stage, in charge of a physician, and in company with another lunatic, also being sent to the Asylum. His treatment, during the time he remained in the County-jail at Sonora, was kind and exemplary upon the part of his friends, and also upon the part of the Sheriff and his officers. His place of confinement was warm and comfortable, and all of his personal wants strictly attended to.

Upon the day prior to his departure for Stockton, he was visited by the Rev. Mr. Baker, (as his affidavits published with this report will show,)

and he remained with him several hours. At this time Mr. Brett was allowed to come out of his cell, and walk about the yard attached to the building. He appeared to have almost or entirely recovered his mental health; conversed rationally upon every subject about business, home, friends, and himself. In fact, his recovery at that time appeared to Mr. Baker to be so complete that he said he should have remonstrated against his being sent to the Asylum, had it not been that since he had become deranged his property had been seized by his creditors, which fact Mr. Baker feared that a knowledge of would produce a relapse of his disease; and, as it would be impossible for his friends to keep him there without this fact coming to his knowledge, and producing this result, he thought it was better to allow him go to the Asylum, where he would receive the best of medical treatment, and a permanent recovery might be effected before he would become informed of his misfortune, at which time his mind would become capable of enduring this knowledge. At that time he made no complaint of his feet; walked without manifesting any pain, and the next morning, when taken out to be placed upon the stage, he walked to the stage without any apparent difficulty. This evidence completely satisfies my mind that at that time his feet were sound, and unaffected by disease. He was ironed and placed on board of the stage in that condition, warmly and comfortably clad, with thick strong boots, and woolen stockings. And here I would remark in relation to the manner in which he was ironed—(as it has been by some asserted that the fetters placed around his ankles were so tight as to prevent a proper circulation of blood, and so heavy as to produce contusion, caused by the jolting of the stage—) that we examined the irons and found them the same as are used by the authorities at that place in confining and working their county prisoners; and that, although large, yet the two fetters, with a five-foot chain attached, weigh only ten pounds; and the shackles were very large and loose, so much so, that it would have been impossible for them to have compressed his ankles in any manner. In this manner he left Sonora for Stockton, and arrived there at about 4 o'clock P. M., when he was taken out of the stage and conducted into the Asylum.

Dr. Aylett then saw him, and ordered some cathartics to be administered to him; and after he remained in the main building a short time he was taken to the mad-house and placed in one of the cells provided with a mattress and blankets. These cells are large and capacious—the walls of brick, and the floor of asphaltum. When conducted from the main building across the yard, and into the mad-house, he walked lame, and manifested soreness and pain in his feet. The Keeper (Mr. Foley,) kindly assisted him, and inquired of him if his feet were sore, and he replied that they were. He remained in the cell that night, and the next morning he was found nearly naked, with his mattress and blankets torn up, and the straw arranged in a circle around him, and he was sitting upon the ticking of the mattress in the centre of the circle. I would here remark, however, that on his way down from Sonora he remained sullen and silent—refusing to partake of any refreshments. The evidence is conflicting as to whether he got out of the stage at all, or not—the driver asserting that he did not—whilst two gentlemen, residents at Knight's Ferry, assert that he did get out at that place, and was assisted to get in again by his insane companion. The driver, (Mr. Wisewall,) further testifies that there was no snow on the way, nor no frozen ground, but that the day was raw and cool.

Upon the ensuing morning, Dr. Aylett again prescribed medicines for him, and ordered him to be shaved and given a bath, which the keepers testify

that they undertook to do, but as he refused to go with them, they returned him to his cell, from the fact that they were instructed by Dr. Aylett to never make use of any physical force whenever avoidable, with any patient. He was changed from cell to cell several times, for the ensuing five days, when, on the morning of the fifth, he seemed to have somewhat recovered his senses, asked where he was, and told the Keeper who he was, where from, etc. That morning Mr. Trainer, the Keeper of the mad-house, was changed to the Asylum, and Mr. Luckett was placed in his position. Mr. Brett complained to him of his feet. He reported the fact to Dr. Kendall, who looked at his feet, and remarked that they had been frost-bitten, and that he thought he would lose the toes upon one of his feet; ordered some medicines, and also ordered that his feet be kept gently warm by blankets or hot stones; and Mr. Luckett testifies that he did wrap his feet up after that twice during the remainder of his stay there.

Upon the eighth, he appeared to have recovered his senses, and was suffering severely with his feet, which had for several days been badly swollen. When they desired to take him out to the stove, as he was entirely unable to walk, they allowed him to crawl out, he being afraid to let them carry him, fearing that his feet would get hurt; he did the same on the evening of the next day, when his brother came for him. In answer to the question I propounded to Mr. Luckett, "had you received any orders to remove him from the mad-house at the time of his brother's arrival? he said, "No." "Would you have removed him without orders?" He said, "No."

This is a brief summary of the evidence, so far. Then, in relation to his condition when removed, let the evidence of Dr. Ryer speak for itself. "When I first saw him, he was laboring under great constitutional debility; he would faint upon the least exertion; his tongue was heavily coated; feet cold, and of a livid color; his toes shrunk, and black; no circulation in his feet, nor no sensation; his ankles were red, and covered with an erysipelas blush; I think his feet were dead to the ankles, but no further; have been in constant attendance upon him, with Dr. Sposati since, except a day or two; amputated one of his feet on the twenty-ninth, and one on the thirtieth; when we first saw the patient, his feet were in the condition of gangrene mortification, and when we amputated them, they were in the condition sphacelus; his hands and feet were very dirty, and a spot of old blood on his forehead; his pulse was intermitting, running as high as one hundred and thirty-two; I expected him to die that night."

Now, in order to arrive at a conclusion, upon making this report, confining myself strictly to the evidence—in order for me to determine whether his present distress and misfortune are attributable to the Physicians of the Insane Asylum, it is only necessary for me to contrast the position of the patient when he came in, with his condition when he went out. He came in, an able-bodied man, and left it with his pedal extremities dead, and his constitutional debility so great that his Physician expected him to die that night. If that was his condition, it is a reasonable supposition that he would have remained in that mad-house, although admitted to be sane, at least until the next day, and probably longer; for Dr. Kendall says, in his testimony, that it is usual for the Resident-Physician to give orders for removal, and the evidence shows that the Resident-Physician, Dr. Aylett, was absent at Sacramento. Then, it is further reasonably presumable that he would there have died, had not his brother, Mr. John R. Brett, arrived. But I would

state that this presumption of mine is based partly upon the statement of Dr. Ryer, when he first saw him, that "he expected him to die that night." But I would say that his great constitutional debility, at that time, might have been greatly aggravated by his removal; and I would also state that when he went into the Asylum, he went in there insane, and when he came out, he came out sane.

But I will here quote a portion of Dr. Kendall's testimony in his defence, at the same time referring your honorable body to the annexed affidavit on file, as well of Dr. Kendall as of all the other witnesses that we examined; (and I would also here remark that in framing this hastily drawn report, owing to the fact that the evidence in the case has already been given to the State Printer for publication, that I have to depend solely upon my notes and my memory, which may, in some minor respects, conflict with the evidence, in which case I beg the indulgence of an excuse.) The Doctor says: "I first saw Mr. Brett on the morning of the 2d of January, laboring under acute mania; Dr. Aylett had prescribed for him the night previous; I instructed the Keeper to keep him as quiet as possible, but to give him all the freedom he could in his room; I also saw him every day thereafter, until he left on the 5th; I examined his feet, and on the morning of the 6th I examined them again and made my diagnosis of the disease of his feet, and came to the conclusion that they were frost-bitten, and then instructed one of the attendants to wrap them up, but not too warmly, and on the morning of the 9th I instructed one of the Keepers to keep gentle warmth to his feet, but to be careful and not keep them too warm; prescribed his diet, etc." He then further states that Mr. Brett, whilst there, received all the attention and care that his case required, etc., but these I consider matters for conclusion for the Committee, from facts, and not from opinions obtained from witnesses.

This is a brief summary of the case, as I consider it, from the notes of the evidence I have to refer to, and from my recollection; and my conclusions from these facts are simply these, viz.: first, that Mr. Otis Brett, being constitutionally affected with cold feet, which is produced by a want of circulation to the parts affected, his disease was aggravated by his insanity, which in almost all cases produces coldness, or want of circulation of the blood to the extremities;—the circulation of blood to his feet was almost entirely or quite impeded by the severe chill that his feet must have suffered in his ride from Sonora to Stockton, with these other causes, and was never restored until the parts died from the want of that alone; and that the apartments in which he was confined, although sufficiently warm to prevent any suffering from cold on the part of any well person, yet the warmth of the ashphaltum floors, to which his naked feet were exposed, was wholly insufficient to produce a reaction or recirculation of blood to his feet.

And now comes the question, who is to blame for this result? The symptoms, in a case of this kind, might be so nearly similar to those in a case of frost-bite, that Dr. Kendall might be really excusable in mistaking the affection of his feet; and if he was mistaken, surely he is guilty of no wrong. And that he was mistaken, from the evidence, I can have no doubt. Dr. Aylett was absent about that time; this may be, to a certain extent, wrong in him, but I believe there is nothing in the law prescribing his duties, that requires him to be there all of the time, although the evidence conclusively proves that he spends nearly all of his time there, going his rounds, regularly, morning, noon, and night. Owing to his absence, the treatment of this case was left almost entirely

with Dr. Kendall; and I conclude that if, when brought there, he had received a scrutinizing, personal examination, upon the part of either Drs. Kendall or Aylett, the condition of his feet would have been discovered, and his calamity prevented; but his uncomplaining manner, his robust, healthy look, and his walking without apparent difficulty, seem sufficient reasons to excuse no examination in this case—therefore, I can not censure them for that. But, when the condition of his feet became known to Dr. Kendall, and when we consider that he was removed from there only in time to barely save his life, and only after his feet were in a state of mortification, nature having already set up her mark, designating where amputation must take place; and that he was in this awful condition for two days when he was sane, in the opinion of the Keepers; (and in my opinion he was, from the statements since made by himself, of what transpired during that time, in which he was corroborated by the Keepers)—in view of these facts, I attribute the present position of Mr. Otis Brett to have been caused by neglect, or rather want of proper medical treatment whilst in the Asylum. For I believe that if, even after his feet began to swell, and attracted attention, even then, if he had received a proper degree of treatment, this calamity might have been prevented, or to a certain extent prevented. If in this conclusion I am in error, it will be a subject of deep regret to me; for I would that I could conscientiously draw any other conclusion, from the high regard I entertain for those gentlemen, caused principally by the most extraordinary care, attention, and economy, exhibited by them in the conduct of that Asylum in all other particulars than this.

C. E. DeLONG.

On motion of Mr. Dent, the report was ordered printed with the majority report of said Committee.

Mr. Burch, by leave, introduced a bill for "An Act to authorize the executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased at public or private sale."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 131, an Act making appropriations for the support of the Civil Government of this State for the eleventh fiscal year, commencing on the first day of July, A. D. eighteen hundred and fifty nine, and ending on the thirtieth of June, A. D. eighteen hundred and sixty, inclusive, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee of the Whole concurred in.

Mr. Berry moved to strike out that portion of section first which provides for the salary of the Board of Examiners, which was lost.

Mr. Burton offered the following amendment, which was adopted:

"For salaries of the Board of Directors of the State-prison, two thousand seven hundred dollars."

Mr. Burch offered the following amendment to section first, which was adopted:

"For pay of A. J. F. Phelan, Clerk of the Board of War-Bond Commissioners, the sum of nine hundred dollars."

Mr. McDonald moved to strike out "seven thousand two hundred dollars for rent of State Capitol," and insert "twelve thousand," which was lost.

The bill was then ordered engrossed, and read a third time.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 28, 1859.

To the Senate of California:

I did, on Saturday, the twenty-sixth instant, approve the following bills, to wit:

"An Act concerning the officers of Calaveras County, and the collection of poll-taxes, license-taxes, and foreign miners' license-taxes in said County."

"An Act to provide for funding the debt of Tulare County, for the payment of interest thereon, and for the gradual liquidation of the debt."

Also, "An Act to authorize John McDougal, administrator of the estate of George McDougal, deceased, to sell and convey real property at private sale."

JOHN B. WELLER.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on the twenty-fourth instant, passed Assembly bill No. 90, an Act to provide for the improving of the Navarra River.

Also, Senate bill No. 55, "An Act to fund the entire indebtedness of Calaveras County, prior to the first day of November, one thousand eight hundred and fifty-eight, and to provide means for the payment of the same, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

Assembly bill No 90, "An Act to provide for improving Navarra River," was read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bill No. 55, "An Act to fund the entire indebtedness of Calaveras County, prior to the first day of November, one thousand eight hundred and fifty-eight, and to provide means for the payment of the same," was taken up, and amendments of Assembly concurred in.

Mr. Phelps, by leave, made the following report:

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Senate bill No. 109, "An Act entitled an Act to grant the right to construct a bridge across the Colorado River, at Fort Yuma, near the junction of the Gila, in the County of San Diego, State of California, to certain parties therein named," have had the same under consideration, and report the bill back, without recommendation.

PHELPS, Chairman.

Report accepted, and, with bill, made the special order of the day for Wednesday, March second, at twelve o'clock.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State," was made the special order of the day for Tuesday, March first, at one o'clock, P. M., and every day thereafter, until disposed of.

GENERAL FILE RESUMED.

Assembly bill No. 44, "An Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Senate bill No. 108, an Act amending an Act entitled "An Act to provide for the sale and reclamation of the swamp and overflowed lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight, was read a third time, and passed.

Senate bill No. 140, "An Act to amend an Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty, was, on motion of Mr. Burch, laid on the table.

President in the Chair.

Senate bill No. 134, "An Act for the establishment and erection of a State-prison Reform School, was, on motion of Mr. Ketcham, made the special order of the day for Friday, March fourth, at twelve o'clock, M.

Senate bill No. 113, "An Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain persons therein named," was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in.

On motion of Mr. Burch, section second, seventh line, was amended by inserting after the word "bridge," the words "together with the franchise of way."

The bill was then ordered engrossed, and read a third time.

Assembly bill No. 167, "An Act to provide for the purchase and erection of hydrants in the City and County of San Francisco," was read a third time, and passed.

Senate bill No. 133, an Act amendatory of an Act entitled "An Act to regulate proceedings in civil cases," passed April twenty-ninth, one thousand eight hundred and fifty-one, was, on motion of Mr. Burch, made the special order of the day for Wednesday, March second, at twelve o'clock.

President *pro tem.* in the Chair.

Senate bill No. 119, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals," was considered in Committee of the Whole.

Pending which, Mr. Phelps, by leave, offered the following resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Joint Committee appointed to examine the vouchers upon which was issued the

three millions nine hundred thousand dollars in bonds of this State, under the Act of one thousand eight hundred and fifty-seven, be allowed a Clerk, to be paid one-half out of the Contingent Fund of the Senate, and one-half out of the Contingent Fund of the Assembly.

On motion of Mr. Burton, the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

TUESDAY, March 1, 1859.

Senate met, pursuant to adjournment.
President in the Chair.
Roll called.
Journals of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was recommitted substitute for Senate bill No. 32, "An Act supplementary to an Act defining the time of commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty," have given the same further consideration, and report the substitute back, amended—the minority recommending its passage as amended, and the majority, that it be indefinitely postponed.

Amend, by striking out, in lines fifteen and sixteen, the words "sufficient proof," and insert in lieu thereof, the words "any evidence."

In line twenty-one, insert after the word "any," "cause of."

In line twenty-two, after the word "such," insert the words "cause of."

Senate bill No. 150, an Act providing for the payment of judgments against the several Counties and Cities of this State, and exempting from forced sale, under execution or other process, all the real and personal property belonging to any County or City of this State, is reported back, with the recommendation that the usual number of copies be printed.

Your Committee have also had under consideration, Senate bill No. 102, an Act to amend an Act entitled an Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty. Messrs. Burch and Gregory, recommend its passage, and Messrs. Anderson, Carter, Thom, and Williams, that it be indefinitely postponed.

Senate bill No. 118, an Act to amend an Act for the appointment, etc., of guardians, is herewith reported back, with the recommendation that it be indefinitely postponed.

Senate bill No. 129, an Act to amend an Act entitled an Act for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, the Committee report back, and recommend that it be referred to the Committee on Public Printing.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Gregory, of the Finance Committee, made the following report:

Mr. President:—The Committee on Finance, to whom was referred Assembly bill No. 114, an Act making appropriations for the salaries of Clerks in the State Land Office, from the first day of February, to the thirtieth day of June, one thousand eight hundred and fifty-nine, have had the same under consideration, and report the same back, with a recommendation, that the bill pass.

D. S. GREGORY, for Committee.

Sacramento, March 1st, 1859.

Report accepted, and, with bill, placed on file.

Mr. McDonald, of the Committee on Enrolled Bills, made the following report:

Mr President:—Your Committee on Enrolled Bills, on the twenty-sixth day of February, one thousand eight hundred and fifty-nine, at two o'clock and fifteen minutes, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 142, "An Act to provide for funding the debt of Tulare County, for the payment of the interest thereof, and for the gradual liquidation of the debt."

J. M. McDONALD, Chairman.

Report accepted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—Your Committee on Engrossed Bills have examined Senate bill No. 155, an Act to authorize the executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased at public or private sale;

Also, Senate bill No. 153, an Act to fix the time for the commencement of terms of the District Court, County Courts, and Courts of Sessions, in the Counties of Yuba and Sutter;

Also, Senate Concurrent-Resolution No. 27, relative to allowing a clerk to Joint Committee appointed to examine vouchers upon which were issued the three millions nine hundred thousand dollars;

Also, Senate bill No. 147, an Act to compensate the Warden of the State-prison;

And find the same correctly engrossed.

BAKER, Chairmain.

Report accepted, and, with bills, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, on the twenty-eighth day of February, A. D. one thousand eight hundred and fifty-nine, at three o'clock and thirty minutes, P. M., presented to his Excellency, the Governor, for his approval, Senate bill No. 57, "An Act fixing the salaries of District-Attorneys of certain Counties in this State."

Also, Senate bill No. 80, "An Act to allow Berthold Hoen to sell certain real estate."

Also, Senate bill No. 86, "An Act to amend an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims

against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six."

Also, Senate bill No. 123, "An Act to provide for a Police Contingent Fund, in and for the City and County of San Francisco."

J. BERRY, Chairman.

Report accepted.

Mr. Garter, of the delegation from Shasta, made the following report:

MR. PRESIDENT:—The delegation from Shasta, to whom was referred Assembly bill No. 147, entitled an Act creating a Contingent Fund for Shasta County, report the same back to the Senate, and recommend its passage.

E. GARTER, Delegation from Shasta.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Berry, by leave, introduced a bill for an Act to authorize the Board of Supervisors of Siskiyou County to transfer certain funds."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Williams introduced a bill for "An Act relating to the possession of lands, the recording of conveyances, and the effect thereof."

Which was read first and second times, and referred to the Judiciary Committee, and the usual number of copies of the bill ordered printed.

Mr. Wheeler, by leave, introduced a bill for "An Act to authorize District Judges, in certain cases, to sign records and settle statements."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Lansing presented certain accounts, which were referred to the Committee on Contingent Expenses.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 1, 1859.

To the Senate of California:

I have to inform you that, on yesterday, the twenty-eighth day of February, I did approve the following bills, to wit:

An Act to provide for a Police Contingent Fund, in and for the City and County of San Francisco.

An Act fixing the salaries of District-Attorneys of certain Counties in this State.

Also, an Act to allow Berthold Hoen to sell real estate.

JOHN B. WELLER.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No.

65, an Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March thirty-first, one thousand eight hundred and fifty-seven, with amendment.

Also, Assembly bill No. 183, an Act to fix the time of holding the County Court, and the Court of Sessions, in the County of Tehama—and the Court of Sessions, County Court, and Probate Court, in the County of Colusa.

Also, concurred in Senate amendments to Assembly bill No. 103, an Act concerning the Board of Supervisors of the County of Tuolumne.

Also, adopted Assembly Concurrent-Resolution No. 37, adding Mr. Malarin to the Joint Committee to select proposals to translate Laws.

C. GILMAN, Clerk.

MARCH 1, 1859.

Senate bill No. 65, "An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March thirty-first, one thousand eight hundred and fifty-seven," was taken up, and amendments of Assembly concurred in.

Assembly bill No. 183, "An Act to fix the time of holding the County Court, and the Court of Sessions, in the County of Tehama—and the Court of Sessions, County Court, and the Probate Court, in the County of Colusa, read first and second times, and referred to the Senator from that District.

Assembly Concurrent-Resolution No. 37, relative to adding Mr. Malarin to the Joint Committee to select proposals to translate Laws, was amended, by adding Mr. Anderson, on the part of the Senate, to said Committee.

Resolution, as amended, was then adopted.

MINORITY REPORT OF FINANCE COMMITTEE.

Mr. Merritt, by leave, presented the following minority report on Senate bill No. 84, "An Act to provide revenue for the support of the government of this State, passed April twenty-ninth, one thousand eight hundred and fifty-seven:

MR. PRESIDENT:—The minority of the Finance Committee beg leave to present the following report on Senate bill No. 84, "An Act to provide for the support of the Government of this State:"

The bill under consideration proposes to effect certain grave and radical changes in the revenue-system of this State.

Before examining these changes it will be well to look carefully at the nature and effect of the present revenue-system, to see how far it has stood the test to which it has been subjected, and how far it has been successful in accomplishing its purpose—the collection of a revenue.

The present Revenue Law was passed in April, one thousand eight hundred and fifty-seven. Since then, all of its most important provisions have, in one shape or another, been submitted to the construction of enlightened and learned Judges, and their intent and meaning explained. In none of the numerous suits instituted by parties desirous of avoiding the payment of their taxes, has the law been found wanting; and the result of the two years' experience is, that the Tax-Collectors in the principal Counties have become fully acquainted with the details of the revenue-system, and have learned by experience its excellences and its deficiencies.

To impose on them now the task of studying a new and intricate revenue-system, to take from them the benefit of two years of experience and the fruit of two years of expensive litigation, to open a new field to the cunning of those who are ever willing to have recourse to law to avoid bearing their share of the general burden—could only be justified by satisfactory proof that the old law is essentially defective in the requisites of a revenue-system, and that the new law has fully supplied these deficiencies. It is believed by those most conversant with the matter that the present law is, in its general plan, scope, and effect, an admirable one; that its few deficiencies can all be easily pointed out and remedied by a few simple amendments; and that the proposed law has all of the defects of the old, and some defects of its own.

Under the present law, in the large County of San Francisco the entire tax on real estate was collected. Not a single dollar of it was lost. The year previous strenuous efforts were made to avoid the payment of the tax under its provisions, and numerous suits were instituted to enjoin the Tax-Collector from collecting the tax. In every case the Tax-Collector was successful, and the provisions of the law were enforced. That year, also, the entire tax on real estate was collected. For two years, then, in by far the largest County in the State, this law has been found to be perfect—absolutely perfect, so far as the tax on real estate is concerned. If it has failed at all in this respect, in other Counties, it must have been through the neglect and carelessness of the proper officers; and against these no system of law, however perfect, can guard.

The present law has not been equally efficacious in the collection of the tax on personal property, and the tax on improvements on real estate. In San Francisco, during the present year, not more than fifty per cent. of these taxes will be collected. But the reason of this is so clear and obvious, that a simple amendment of one or two sections in the present Revenue Law will make it as perfect as to these taxes as it has been shown to be in the case of real estate.

There are two defects in the present law, so far as it regards the tax on personal property.

First—The tax on personal property is assessed before the first Monday of August, in each year, and usually as early as March. (See section three of the Revenue Act.) But the collection of this tax can not practically commence before the month of December. There is, then, an interval, ordinarily, of eight months—necessarily more than four months—between its assessment and its collection. The provisions of section nine of the Revenue Law, for the more summary collection of this tax, are, as will be seen on a slight inspection, in effect nugatory.

Now, in this interval of from four to eight months, the personal property has undergone such changes as to render it untraceable. It has passed through various hands; it has been consumed; it has left the County. Any attempt to enforce a lien upon it, after such an interval, would be idle. Besides, in the constantly fluctuating population of California, the person to whom it was assessed has changed his residence—has lost his property, or has none that can be found. If the law were so changed, (as it easily might be,) that the Tax-Collector should collect this tax immediately upon its assessment—that he and the Tax-Assessor should commence their work simultaneously, then the whole of this tax could be brought into the Treasury of the State. The very property assessed could be made to pay its tax. The person assessed could easily be found, and his circumstances would not have changed. Until this change

is made, it is evident that any attempt to subject personal property to a lien, unaccompanied with possession, or the least control of the property, will be futile.

The second defect in the present law on the taxation of personal property, is, that real estate is not made liable for the tax on personal property. In all cases, then, where, at the time of the collection of the tax, the person assessed has no personal property in his possession, the Tax-Collector is entirely frustrated. It is true that, by section thirty-two of the Revenue Act, every tax is made a judgment against the person, and has the force of an execution. But no mode of enforcing this execution is pointed out in the law, and we believe no Tax-Collector has yet ventured to avail himself of this provision. The consequence is, that the Tax-Collector loses his entire tax, even when it is assessed to men rich in real estate, unless he can find in their possession personal property enough to pay it. When it is recollected how easily property of this kind is secreted, it will be seen that no inconsiderable sums must be lost each year, in consequence of this defect in the Revenue Law.

But, while to remedy these defects would require but a slight amendment to the present Revenue Law, the bill now proposed does not remedy them in the least.

The assessment, under the proposed system, will occupy from April to June (a period of only two months), and wholly insufficient for the larger and more important counties. The sale for delinquent taxes on real estate will commence about the first day of September, five months after the Assessor has commenced his assessment-roll, and three months after he has completed it. The collection of personal taxes by seizure can commence (see section 40) on the same day as the sale of real estate, but, practically, the Tax Collector in the larger counties has so much to do in the collection of the tax on real estate, that at least a month expires before he can bring his attention at all to the collection of the personal tax. There is, then, by the provisions of this Act, an interval of from four to six months between the assessment on personal property and the forced collection of the tax; a period of time sufficiently long to make the greatest changes in the relations of this property, to prevent any possibility of tracing or identifying the property taxed, and to allow persons so disposed to hide and conceal their property. On the assessment-roll of San Francisco you will find more than seventy-five thousand dollars of uncollected, uncollectable taxes of the past year on personal property—taxes legally and properly assessed. The chief cause of the impossibility of collecting these taxes is to be found in the changes wrought in the property taxed, in the circumstances, and in the residence of the persons taxed, by the interval which separates the assessment from the collection.

The second defect which we spoke of in the provisions of the present Revenue Law, relative to the taxation of personal property, is, that it does not authorize the tax on personal property to be collected out of the real estate of the delinquent tax-payer. The bill now proposed does not attempt to remedy this defect.

Under this bill, then, there would be the same difficulty in the collection of personal property-tax as exists under the provisions of the present law.

We have said that, under the practical workings of the present Revenue Law, the tax on improvements on real estate is not fully collected. This arises from the fact of the separation of these improvements from

the land itself, which should be responsible for the entire tax. It is found at the great tax-sales that no one will purchase improvements on real estate. The rights which are acquired are so uncertain, the difficulty of enforcing them is so great, that purchasers can not be found. The owners of this property, aware of this, knowing that there is no danger of the sale of their property, refuse to pay their taxes. This could easily be remedied by assessing together the land and the improvements thereon, and by making all the property, real and personal of the delinquents, liable for any tax, whether real or personal. But a slight change like this, surely does not require an entirely new Act.

It is the belief of those who have had the greatest experience in the collection of taxes, under the present law, that if the changes indicated above are made by amendments to the present bill, that our present system will be perfected.

We pass now to the examination of the bill proposed, premising that many great errors and deficiencies in a new Revenue Law can only be found out by experience in its working; and that we only undertake to point out such errors and deficiencies in the proposed bill as are evident on a cursory examination.

First—This bill does not propose to repeal all the Revenue Laws now in existence; nor yet does it point out what portions of the laws now in existence are repealed, and what are left in force. Section one hundred repeals "All laws, and parts of laws, in conflict with the provisions of this Act." The Tax-Collector and Tax-Assessor will be obliged, for themselves, to form a Revenue Law out of the present bill, and those portions of the existing laws not in conflict with its provisions. When it is recollected how difficult it is to thus compare two or three complicated statutes, and to ascertain how far, and in what respects, they agree, and wherein they conflict, it will be admitted, we think, that this task should not be thrown upon the officers charged with the collection of the revenue. These officers are seldom, if ever, versed in the law, and their business does not leave them the leisure to ponder over intricate and perplexed questions of construction. The least that a Legislature can do for them, is to present them with rules easily understood, in a compact form, so that they can have no excuse for not performing their duties. Certainly a bill of this kind can not be entitled to be called a "system compact, connected, and complete in itself." It expressly leaves in force all parts of the old Revenue Statutes which do not conflict with it; and then leaves to men ignorant of law, the task which would be a most difficult one for the most accomplished lawyer, of determining what portions of the former laws do conflict, and what do not. Clearly, it would be better, either absolutely to sweep away all the old laws, and make a system entirely new and complete, or else carefully to point out what portions of the old law are retained, and what are repealed.

Second—By this bill, it is provided that the whole sale of real property for delinquent taxes shall be completed within one week from the day first fixed as the day of sale. (See section 32.) In the larger Counties, this is simply impossible. In San Francisco, this year, the list of lots advertised for sale for delinquent taxes amounts to seven thousand. According to the provisions of this bill, the Tax-Collector would have to sell two hundred lots every hour during the whole time allowed for the sale. It will be recollected that the sale of each lot involves the receiving of the money, the giving of a receipt, and an entry in the books.

So, also, see section twenty-second. The Board of Equalization has only one week to do its business in. This is equally impossible. By this

bill new and onerous duties are thrown on this Board, and yet it is required to equalize the entire property of the County, to hear complaints, to deliberate upon, examine, and to come to a conclusion in regard to the justice of the assessment of the property of each tax-payer in the County, in one-fourth part of the time allowed by the present law. So, also, the Assessor is allowed but two months to complete his assessment-roll. The experience of the Assessors of the principal Counties shows that this, also, is impossible.

Third—By section twenty-two of this bill, "the Recorder of the County shall be present and attend on the Board of Equalization, with an abstract of all unsatisfied mortgages and liens remaining on record in his office, arranged in alphabetical order." This provision throws on the Recorder of the principal Counties a most onerous task. It may be easy for a Recorder of a small County to make an abstract of the few mortgages on the County Record; but to do this in Sacramento, San Francisco, or other principal cities, would involve months of hard labor. Besides this, no mode is provided of paying the Recorder for this work, and even if there were, it would be doubtful how far his duties could legally be thus increased.

Fourth—The bill proposed, leaves in the greatest confusion two most important subjects, the taxation of mortgages and solvent debts, and the effect of a tax-deed on the title of real property.

First, as to taxation of mortgages on real estate:

It is provided, by section sixty-seven of the Revenue Law of one thousand eight hundred and fifty-four, which was not repealed by the Revenue Law of one thousand eight hundred and fifty-seven, that "In the case of a mortgage of real estate, the mortgagor shall pay the taxes on the value of the property." This section is not, so far as we can ascertain, repealed by the bill under consideration. The mortgagor, then, under the present bill will be obliged to pay the tax, not on his interest in his land, but on the entire value of the land. The theory of this tax is, that the land itself shall be responsible for the tax on its entire value. This bill proposes to levy a tax on the mortgage also. The evident objection to this mode of taxation is, that it imposes a double tax; that it imposes a tax where there is no corresponding value to be taxed. If A lends his money to B, and receives from B a mortgage on his land, it is evident that there are but two values in existence,—the one is the money which goes into the hands of B and becomes his property, the other is the land. The debt and mortgage are nothing but a certain relation between A and B. But the money is taxed in the hands of B, and the land is taxed for its full value, without any deduction for the mortgage. Both values are taxed to the full. Where, then, do you find the third value, on which this bill proposes to impose an onerous tax? According to the provisions of this bill, every time a citizen contracts a debt, the State becomes richer by the amount of the debt, and the indebtedness which makes the poverty of the citizen becomes the wealth of the State. It would seem to be too clear for argument, that if the money lent is taxed in the shape of coin to its full value, and the land mortgaged is taxed for all that it is worth, that the mere relative rights of the owners of these two values should not be taxed as an independent third value. The practical effect of this is, that the money-borrower pays all these taxes. In mortgages now made, the clause is almost invariably inserted, that the mortgagor shall pay the tax on the land mortgaged, on the loan, and on the mortgage. It is useless to inveigh against the money-lender, and to speak of the usurer and his victim. If a man

wants money, he will submit himself to the conditions imposed by the lender; and we doubt if the experience of any one will enable him to recollect a single example of a money-borrower in want of money, who has refused to accept a loan, merely because the lender has stipulated that all three taxes—that on the money, the land, and the mortgage—should be paid by the borrower.

There is a grave question as to whether this tax is constitutional at all. Section thirteen, of Miscellaneous Provisions of the Constitution, provides that taxes shall be equal and uniform throughout the State, and that property shall be taxed in proportion to its value. Now, if I have a hundred dollars in money, which I lend to you, there is clearly but a value of one hundred dollars exposed to taxation. As soon as the coin goes into your hands, it is then liable to taxation, as money on hand. This bill proposes not only to tax that one hundred dollars in coin in your hands, but the debt in mine; so that between us we are obliged to pay a tax on two hundred dollars, where there is an existence of but a value of one. The tax is unequal; the property is not taxed according to its value; and the provision would seem to be in conflict with the Constitution. The mistake of the framer of this bill seems to be in confounding mortgages and money. The report of the majority urges that money should be taxed, because money is property. No doubt money is property, but the trouble here is, that you provide that both the money and the mortgage should be taxed separately—the money under the head of money in the hands of the mortgagor, who has it in his possession, and the mortgage in the hands of the mortgagee, who has parted with the possession of the money.

For these reasons, we would urge this subject upon the attention of the Senate. The tax on mortgages and debts is an odious one—is unjust, and unequal.

But the bill under consideration provides, that while real estate shall be taxed for its full value to the mortgagor, and no deduction shall be made for any mortgage or other lien upon it, yet that the tax-deed, in case the property is sold for delinquent taxes, shall only convey to the grantee "all the right, title, interest, claim, possession, and right of possession, legal or equitable, of *each and every delinquent*." In other words, that the deed, where land is mortgaged, shall only convey the right of the mortgagor. The land will still be subject, in the hands of the purchaser, to all equities held by third persons, and to all prior mortgages and liens.

This provision, taken in connection with the provision that land shall be taxed to its full value, without any deduction for liens, mortgages, incumbrances, or adverse claims, certainly involves a logical absurdity. The tax is based upon the actual value of the land, irrespective of the claims of parties interested in it. But, instead of holding the land responsible for the tax, you only hold the uncertain, unascertained interest of one of the parties—an interest which often is a very small one, as compared with the interest of mortgagees and incumbrancers. What becomes of the tax in that very frequent class of cases where the land is mortgaged for more than its value, and where the right, title, and interest, of the mortgagor, which alone is to be sold, amounts to nothing at all?

The efficacy of a Revenue Law depends on the efficacy of the means used to enforce it. The mode of enforcing the collection of our revenue is, to sell the land or other property which has not yielded its quota to the maintenance of the Government which protects it. It is evident that,

if the tax-sale only vests a litigious title in the purchaser, if he takes it subject to all the incumbrances, mortgages, and equities, to which it was subject in the hands of the former owner—if he is obliged to pay for such title a tax calculated not upon the value of the interest which he acquires, but upon the absolute value of the land itself—the value which that land would have, if there were no incumbrances or mortgages upon it at all, no man, in his senses, could be found who would invest his money in such a title. At a tax-sale, there are, in the larger counties, thousands of lots offered for sale. It is, of course, impossible for those who attend the sale to examine beforehand into the title of the person delinquent to the land sold. They can not even know if he has, or ever had, a shadow of title to the land, much less can they know what liens, incumbrances, and mortgages he has put upon it. The consequence is, that buyers can not be found, and the delinquent escapes free. The effect of the present tax-law depends entirely on the dense cloud which a tax-deed throws over the title. It is not, to be sure, positively certain, under that law, that a tax-deed takes precedence of prior mortgages and incumbrances, nor is it clear that it passes the title of all persons, known or unknown, whether assessed to them or not, but it leaves the matter in such a state of doubt, that, rather than have their title clouded, the mortgagee pays; if the mortgagor refuses, the unknown claimant pays; if the person assessed fails to pay at the tax-sale, speculators purchase unhesitatingly, sure that no lawyer will pass any title while a tax-deed is outstanding. If these doubts could all be cleared away—if the statute enacted that the tax-title should convey the absolute, title the interest of those assessed, and those not assessed—if the tax were placed directly *in rem*, so that the land itself must pay the tax, or a title, absolute against all the world, should vest in the purchaser, then there would never be a sale at all. No one would allow his property to be sacrificed; even when the owner believed that there were fatal defects in the assessment itself, he would pay his tax rather than suffer such a cloud to gather over his title.

It may be said that it would be much more equitable to tax the interest of the mortgagor in the land separately, making a deduction for the amount of the mortgage, and then to tax the interest of the mortgagee. This, at first sight, seems plausible. It does seem hard that a mortgagor, whose interest in the land may amount to a few hundred dollars, should be made to pay the tax, while another person with thousands of dollars interest in it apparently escapes.

But it must be recollected that the collection of revenue for State purposes is paramount to all considerations of private interest. Hence, it is in all countries the settled policy to leave private equities to adjust themselves by private contracts and arrangements, and to levy the tax that is to support the Government in such a manner that its payment can not be escaped. The tax is therefore laid first on immovable property in the nature of land. This property can not be removed or destroyed, and hence a tax laid upon it must be paid. The State has a perpetual guaranty in its land for the payment of its dues, and so on with other property. The true policy of a Revenue Law is to place the tax, as far as it can, on that property which is tangible, indestructible, and immovable. Where property is perishable in process of consumption, or where, like debts and mortgages, it consists in a mere relation between two parties, and that relation depends solely on the will of these parties, it is clear that the State has no other security for the payment of its taxes than the personal responsibility of its citizens. A tax-sale, in such a case, becomes ineffectual. Now if the interest of the mortgagee is taxed by itself, what se-

curity has the State for its tax. The mortgage is but security for the debt. The debt can be released. The State can not keep alive that debt; much less can it enforce a lien upon it. If you tax the interest of the mortgagor and mortgagee separately, you can not, in the first place, sell, at a tax-sale, the interest of the delinquent mortgagee, for purchasers will not have the time to ascertain what that interest is, and will not buy in the dark. You can not sell the interest of the mortgagee, for the purchaser has no means of ascertaining how much of the mortgage has been paid, nor in whose hands is the note which it was given to secure. If the Tax-Collector and purchaser are obliged to ascertain the precise proportion in which the respective interests to the property are adjusted, before the one sells and the other buys, there can be no question that the efficacy of a tax-sale is gone. The tax-purchaser must feel that he is acquiring a title, or he will not buy. The person interested in property must see that his property will be sacrificed, if the tax upon it is not paid. The experience of those who have been charged with the collection of revenue, in this State, demonstrates that but few persons pay their taxes voluntarily; that the only mode to collect taxes is to make the summary loss of the property, which has not contributed its share to support the Government, the penalty for delinquency.

For these reasons, we are of the opinion:

First—That land should be taxed to its full value, without regard to the mortgages and incumbrances upon it.

Second—That the tax-deed should convey the absolute title to the land, and not merely the interest of the delinquent.

Third—That mortgages should not be taxed at all, since, under this system, the land would be taxed to its full value.

To the mode provided in this bill for enforcing the collection of the tax on mortgages, there are many grave objections, independently of those urged above to the tax itself.

This bill provides:

First—That the mortgagee shall, before the mortgage is canceled, make oath that the taxes on it are paid, and this oath shall be recorded.

Second—That the defendant, in a foreclosure suit, may be allowed to set up in abatement of the action, the non-payment of the taxes.

1. This system introduces a new complication into our already too complicated system of recording.

2. It makes a new expense—that of recording. The bill provides that the Recorder shall have one dollar for the affidavit. It is silent on the subject of the fee for recording the affidavit.

3. The mortgage can not be canceled unless affidavit of payment of taxes is made by the mortgagee. The consequence is, that the mortgagor can not have his title cleared unless he himself pays the tax. It may be said that he can refuse to pay the debt, but in that case his interest is running on at California rates, and there is no provision in this bill for stopping it.

4. Stringent, as this remedy appears to be, it needs very little cunning to avoid it. According to this bill, the mortgagor may set up as a defence in a foreclosure suit, that the taxes are not paid. We have already said that, in case mortgages are taxed, the tax will fall ultimately on the mortgagor, not on the mortgagee. The mortgagor, then, the very person who will have ultimately to pay the tax, is the person who is to set up as a defence that the taxes are not paid. If he does not interpose this defence, what will be the consequence? Judgment will be rendered, the land sold, and bid in by a nominal purchaser. A Sheriff's deed will be put on

record. There is no provision in this bill, that before a Sheriff's deed is put on record, the taxes on the mortgage foreclosure shall be paid. Thus, by an easy connivance between the mortgagor and the mortgagee, the payment of these taxes will be avoided altogether, and a clear release secured. It will, it is true, involve the necessity of a foreclosure, but the tax on mortgages of a considerable amount is enough to justify the small expense of a suit, which it is agreed on both sides shall not be a litigated one.

5 The provisions of this bill are altogether too stringent and harsh in the mode of assessment.

Section twelve provides that if any person neglects, or refuses to give, under oath, the statement of his real property, cash, and value of real property, personal property, and cash value of personal property, the Assessor shall make an approximate estimate of the value of the taxable property of such person, and the value so fixed by the Assessor *shall not be reduced by the Board of Equalization.* Now, in practice, not one man in ten does make a statement. Nearly every tax-payer relies on the opportunity of stating his case to the Board of Equalization. The Assessor makes his demand, it is true, but the Assessor can not wait after making his demand, until the person has made out a complete inventory of all his personal property, and copied accurately a description of all his real estate. A statement of this kind renders necessary, with our largest tax-payers, hours, and sometimes days, of labor. Practically, then, the Assessor simply leaves with the tax-payer a blank, and requests him to fill it up. This the tax-payer neglects to do. Surely, it is hard to deprive him of all remedy if he finds that property not his has been assessed to him, or that what he has has been greatly over-estimated. According to the provisions of this bill, his statement under oath does not bind the State,—the Board of Equalization has still the right to increase his tax. Why, then, should the failure on his part to make the statement oblige him to submit to the arbitrary estimate placed upon his property by a single man? There can be no question that a power to mitigate the hardships which will inevitably arise under this system of assessment should be lodged in an impartial Board of Equalization.

We come now to the last objection which we shall urge in this report, against the provisions of this bill. The want of time and space prevents us from from taking it up, section by section, as perhaps the importance of the subject would require.

The bill under discussion proposes (see sections 3, 4, and 5,) to erect each township now organized, or that hereafter may be organized, in the several Counties, into a revenue-district, with power in the Board of Supervisors of each County to consolidate two or more townships in the same district.

The evident objections to this provision are, that it creates a number of petty officers, to a great degree irresponsible; that it sacrifices uniformity in the assessment and valuation of property; that it takes away the one responsible chief officer, on whom the present law imposes the duty of making a harmonious and equal system of assessment, and that it introduces confusion and complexity into perhaps the most important branch of the revenue-system.

Even if we concede the full force of the argument urged in favor of this innovation, it is not perceived why the same result can not be brought about by employing subordinate Deputy-Assessors, all accountable to the Chief Assessor.

But we by no means concede the force of these arguments.

The grounds on which this radical change is urged would seem to be two:

First—That, in the large mining Counties, the Assessor is a stranger in many parts of the County, and that it is difficult for him to find all the men of property, or all the property, of the County.

Second—That, from the great amount of work which he has to perform, so much time is consumed, that it is late in the year, and after the water and mining season is over, before the collection of taxes is commenced, and at that time money is less plenty, and property has depreciated, and tax-payers are less prepared and less inclined to pay their taxes, than they would have been at a more prosperous season of the year.

These are the only reasons urged in favor of this innovation, in the Majority Report on the bill, and we confess we can not imagine any other. It will be seen, at a glance, that this great and important change in our entire revenue-system is proposed solely on account of certain difficulties supposed to exist in the mining Counties, in the assessment of taxes on personal property. Neither of the foregoing reasons has any application whatever to agricultural Counties, or to Cities, or to the assessment of taxes on real estate.

But, even in the mining Counties, it is believed that the difficulties suggested, in the collection of the tax on personal property, do not come so much from a defect in the assessment-system, as from a defect in the collecting-system; a defect which could easily be remedied by a simple amendment to the present law.

Under our present assessment-law, all that the Assessor has to do is to make a demand on every person within his County, for a statement. If such person fail to give a statement, then the Assessor has a right to make an estimate of the value of his property, and the only restriction placed upon his right to make this estimate is, that he must see that the State does not lose by this estimate. All, then, that the Assessor has to do, is simply to find out and see each man of property in his County. If such person give him a statement, under oath, of his personal property, such statement is final. If he does not, the Assessor is required so to estimate his property that the person refusing to give the statement shall lose, rather than the State.

The chief duty, then, of the Assessor, is to find out the persons in his County, and to make a demand upon them.

It is idle to say that an Assessor can not, with a little trouble, ascertain the names of men of property in his County.

There are a thousand sources from which, if he is a proper man for his position, he can gain this information; and if he finds it worth his while, the present law gives him a right to employ a deputy. But the difficulty of collecting the tax on personal property lies deeper than this—is not confined to the mining Counties, and is not remedied by this bill. We have already said, that throughout the State there is a great deficiency in the collection of the tax on personal property; the reason is, as we have before intimated, that there is a great interval between the time of assessing this tax, and the time of collecting it, and we have already shown that this bill leaves an interval, almost equally great and equally fatal, between the time when the tax on personal property is assessed and the time when it is collected. The real difficulty is, that the Tax-Collector can not easily find, after an interval of four or five months, the persons whom the Assessor assessed. He can not find the property taxed, for, being personal property, it has changed owners, been consumed, or been removed from the County. This difficulty can be obviated, by

making it the duty of the Tax-Collector to follow close upon the heels of the Tax-Assessor; so that sufficient time will not have elapsed between the time of assessment and the time for the collection, for these changes in person and property to have taken place. This change in the law will also obviate the difficulty suggested in the Majority Report—that the collection, under the present law, takes place at a time when money is scarce and property has depreciated.

The importance of this subject must be our apology for the length of this Report. As it is, we have not pointed out all the dangers which threaten our revenue from this bill. And in conclusion, we would protest against this mode of changing our Revenue Laws.

The present Revenue Law has been found to be efficacious in giving us a revenue. Experience has pointed out some defects in it, and these defects can be remedied by legislation, as they are discovered. By this system of progressive amendment, we can gradually reach perfection in our system, at the same time we keep our tax-payers, and our tax-officers, familiar with the laws, and with its operation. But it is evident that if every two or three years we attempt to sweep away, by a violent change, our old laws, and substitute laws wholly different in their language, form, and machinery, we shall be constantly experimenting, constantly furnishing new loop-holes for chicanery to creep out of, constantly giving the Courts new and difficult questions to settle, and constantly giving to our revenue-officers new difficulties to surmount.

All of which is respectfully submitted.

SAMUEL A. MERRITT,
Chairman of Finance Committee.

On motion of Mr. Quinn, four hundred and eighty copies of the report were ordered printed.

INTRODUCTION OF BILLS.

Mr. Thom, by leave, introduced a bill for an Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes.

Which was read first and second times, and referred to the Senator from that District.

Mr. Pacheco offered the following resolution, which was adopted:

Resolved, By the Senate, that the Controller of State is hereby authorized to draw his warrant for the sum of six hundred and fifty dollars and forty-six cents, in favor of John P. Brodie, payable out of the Contingent Fund of the Senate, said sum being one-half of the amount due by the State to said Brodie, for translating, in Spanish, the Governor's Message and State Documents, for the use of the Senate and Assembly.

Mr. Dent, by leave, introduced a bill for an Act providing for the disposition and reclamation of the swamp and overflowed lands donated to this State, by the United States.

Which was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

GENERAL FILE.

Senate bill No. 119, an Act amendatory of, and supplementary to, an

Act entitled "An Act concerning estray animals," was taken up, and considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments of Committee concurred in.

Mr. Holden offered the following additional section:

"Section nine—The Governor of the State is hereby authorized to designate some one of the newspapers in this State, in which all the estray notices shall be published, monthly—and issue his proclamation, naming the paper so designated, and the amount said paper shall be allowed for such advertising, not to exceed the sum of two dollars and fifty cents per head."

Upon which, the ayes and noes were demanded, by Messrs. Berry, Pachecho, and Dent, and taken, with the following result: ayes, 15—noes, 16:

AYES—Messrs. Anderson, Baker, Bradley, Burch, Dent, Dickinson, Garter, Grant, Hamm, Holden, Ketcham, McDonald, O'Farrell, Price, and Quinn—15.

NOES—Messrs. Allen, Ballou, Berry, Burton, Denver, Gregory, Griffith, Merritt, Pacheco, Parks, Parker, Phelps, Thom, Titus, Wheeler, and Williams—16.

So the amendment was rejected.

The bill was then ordered engrossed, and read a third time.

SPECIAL ORDER OF THE DAY.

Senate bill No. 146, "An Act for the government of the State-prison, and creating a Board of Directors, and defining their powers and duties, and to repeal an Act entitled an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

On motion of Mr. Holden, section twelve, line second, was amended by inserting, after the word "Prison," the words "April twenty-fourth, one thousand eight hundred and fifty-eight."

Mr. Anderson offered the following amendment to section eleventh, line forty, which was adopted:

After the word "simple," insert the words "said Commissioners shall receive, for each day actually engaged on said duty, three dollars per day, and the Clerk of said Court, and all witnesses, shall receive the same fees as for like services in other cases in said County, the same to be paid by the Board of Directors."

Mr. Berry moved that section ninth be stricken out.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Pacheco, and Dent, and taken, with the following result: ayes, 9—noes, 18:

Ayes—Messrs. Allen, Ballou, Berry, Burch, Griffith, Hamm, Lansing, Merritt, and Wheeler—9.

Noes—Messrs. Anderson, Baker, Bradley, Burton, Dent, Dickinson, Denver, Garter, Gregory, Hart, Ketcham, Kirkpatrick, McDonald, O'Farrell, Pacheco, Parks, Price, and Thom—18.

So the motion was lost.

The bill was then ordered engrossed, and read a third time.

Br. Burton presented certain accounts of the Sergeant-at-Arms.

Which were referred to the Committee on Contingent Expenses.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada," was taken up, and, on motion of Mr. Griffith, made the special order of the day for Wednesday, March second, at twelve o'clock, M.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 40, "An Act in relation to a sea-wall or bulk-head in the City and County of San Francisco," was taken up, and, on motion of Mr. Anderson, recommitted to the Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, with the exception of the amendment to section fifth, offered by Mr. Phelps.

On motion of Mr. Anderson: After the word "costs," in third line, section fifth—also in ninth line, the same section—the words "not including the cost of any wharves or piers now built," were stricken out.

Mr. Merritt offered the following amendment, which was adopted:

Amend section fifth, line third, after the word "cost," and in line eighth, after the word "cost," by adding, "whenever said Company shall acquire any wharf or pier now constructed, said pier or wharf, for the purposes of this section, shall be taken at the value of the same by said Company, without regard to their prospective value."

Mr. Berry offered the following amendments, which were lost:

Amend section eleventh, line first, by striking out the words "City and County of San Francisco," and inserting "State;" also, strike out, in same section, line fifth, the words "City and County of San Francisco," and insert "State;" also, in same section, line sixth, strike out the words "City and County of San Francisco," and insert "State."

Mr. Anderson moved to strike out section eleventh.

Upon which, the ayes and noes were demanded, by Messrs. Anderson, Gregory and Quinn, and taken, with the following result: ayes, 9—noes, 15:

Ayes—Messrs. Anderson, Burch, Burton, Dent, Gregory, Hamm, McDonald, O'Farrell, and Quinn—9.

Noes—Messrs. Allen, Baker, Ballou, Denver, Garter, Grant, Griffith, Hart, Ketcham, Lansing, Merritt, Parker, Phelps, Titus, and Williams—15.

So the motion was lost.

President in the Chair.

Mr. McDonald offered the following amendment:

Amend section second, by striking out the words "Channel and Fifth," and inserting "Folsom and Steuart; also, strike out, in same section, the words, "Larkin and Jefferson," and insert the words, "Vallejo and Front streets."

Upon which, the ayes and noes were demanded, by Messrs. Dent, Gregory, and McDonald, and taken, with the following result: ayes, 12—noes, 12:

Ayes—Messrs. Baker, Burch, Burton, Dent, Denver, Gregory, Hamm, McDonald, Merritt, Pacheco, Phelps, and Price—12.

Noes—Messrs. Anderson, Allen, Ballou, Garter, Grant, Griffith, Hart, Holden, Lansing, Quinn, Titus, and Wheeler—12.

It being a tie vote, the Chair voted in the negative.

So the amendment was lost.

Mr. Phelps offered the following amendment, which was lost:

Amend section four—after the word "work," third line, insert the following: "To be expended in the actual construction of said bulk-head, independent of the cost of the right of way."

Mr. Allen moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Gregory, Allen, and Griffith, and taken, with the following result: ayes, 11—noes, 22:

Ayes—Messrs. Berry, Burch, Dent, Hamm, Kirkpatrick, Pacheco, Parks, Phelps, Price, Quinn, and Thom—11.

Noes—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Burton, Dickinson, Denver, Garter, Grant, Gregory, Griffith, Hart, Holden, Ketcham, Lansing, McDonald, Merritt, O'Farrell, Parker, Titus, and Wheeler—22.

So the motion was lost.

The question being upon ordering the bill engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Gregory, Pacheco, and Thom, and taken, with the following result: ayes, 20—noes, 13:

Ayes—Messrs. Anderson, Allen, Ballou, Berry, Bradley, Dickinson, Denver, Garter, Grant, Griffith, Hart, Holden, Ketcham, Lansing, Merritt, O'Farrell, Parker, Quinn, Titus, and Wheeler—20.

Noes—Messrs. Baker, Burch, Burton, Dent, Gregory, Hamm, Kirkpatrick, McDonald, Pacheco, Parks, Phelps, Price, and Thom—13.

So the bill was engrossed, and read a third time.

On motion of Mr Ketcham, the usual numbers of copies of the bill, when engrossed, ordered printed.

Mr. Griffith, by leave, introduced a bill for "An Act to authorize the sale of certain real estate, by guardians."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Burch, Chairman of the Judiciary Committee, by leave, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate bill No. 127, an Act extending the privileges of the homestead to

certain persons, have had the same under consideration, and report the bill back;—Messrs. Anderson, Gregory, and Williams, recommending its passage, as amended; and Messrs. Burch, Garter, and Thom, that it do not pass.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—The Committee on Public Expenditures, to whom was referred Senate resolution to pay the sum of two hundred and forty-two dollars out of the Contingent Fund of the Senate, to J. Schulz, for translating the Governor's Annual Message into the German language, have had the same under advisement, and beg leave to report the resolution back to the Senate, with a substitute, and recommend the passage of the substitute.

The Committee have carefully examined the German translation of the Governor's Annual Message, and are satisfied that the same does not contain more than three hundred and thirty folios. There are seventy-two pages, containing two thousand three hundred and fifty-seven lines, with an average of fourteen words to the line; this gives three hundred and thirty folios to the translation; as half of this amount, to wit, the sum of one hundred and sixty-five dollars, is, by Concurrent-Resolution, to be paid out of the Contingent Fund of the Senate, the Committee respectfully recommend the passage, by the Senate, of the accompanying substitute resolution, having for its purpose, the accomplishment of that object.

C. E. THOM,
Chairman of the Committee.
J. O'FARRELL,
J. BERRY,
H. GRIFFITH.

Report accepted, and, with resolution, placed on file.

On motion of Mr. Griffith, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. Palmer, Secretary Senate.

IN SENATE.

Wednesday, March 2, 1859.

Senate met, pursuant to adjournment.

The President in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following supplementary report:

MR. PRESIDENT:—The undersigned, of the Judiciary Committee, to whom was referred Senate bill No. 127, having, as its object, the extension of the homestead exemption in the amount of two thousand five hundred dollars to persons other than the heads of families, report adversely to the passage of the bill, and for so doing, beg leave to submit the following reasons:

First—The constitutional provision for homestead exemptions applies to heads of families only; and, so far as an exemption in favor of this class of our citizens is concerned, the question of public policy has never arisen, nor can it in the Legislature. We are bound to comply, without inquiry as to the policy.

Second—The usual arguments in favor of homestead exemptions to heads of families can not apply, with the same force, in favor of the passage of this bill; its object being to secure individuals, contracting debts, against the evil consequences thereof being visited upon their own heads: whereas, heads of families are not alone the sufferers from an act of folly in contracting debts heedlessly.

Third—We are disposed to leave to the discretion of individual citizens the management of their estates—to fix their liabilities by contract, and to have all reasonable protection in the enforcement of such contracts.

Fourth—This bill virtually attacks, in an insidious manner, the credit-system, which exists of necessity; and, although we are not called upon directly to give an opinion on this subject, we very much doubt whether legislation, intended to control our citizens in their commercial intercourse, would tend to their material benefit.

For these reasons, as well as many others which are needless to recapitulate here, we recommend the indefinite postponement of the bill.

J. C. BURCH, Chairman,
E. GARTER,
C. E. THOM.

Messrs. Williams, Anderson, and Gregory, recommend the passage of the bill, with amendments.

Report accepted, and placed on file.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations have had under consideration, Assembly bill No. 120, an Act to authorize Richard L. Ogden and his assigns to run steam-wagons over the roads of this State. I am instructed by the Committee to return the bill to the Senate, and recommend the indefinite postponement of the same.

JAMES ANDERSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom were referred certain bills and accounts, have examined the same, and recommend that they be allowed for the respective amounts herein set forth, to be paid out of the Contingent Fund:

William Dougherty, Newspapers furnished Senators	$19 50
Houghton & Co., Newspapers furnished Senators	2 50
Geo. J. Lytle, Newspapers furnished Senators	74 50
King, Hamm & Wright, Newspapers furnished Senators	18 00
Morning Star, Newspapers furnished Senators	6 00
Wells, Fargo & Co., Two hundred and fifty franks	25 00

C. J. LANSING,
Chairman Committee on Contingent Expenses.

Report accepted, and, with accounts, placed on file.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 105, "An Act to incorporate the City of Placerville," and find the same correctly enrolled.

A. ST. C. DENVER, for Committee.

MARCH 2, 1859.

Report accepted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive," and find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Kirkpatrick, by leave, introduced a Joint-Resolution "relative to the survey of the mineral lands within the State of California."

Which was read first and second times, and referred to the Committee on Mines and Mining Interests.

Mr. Phelps, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—The Special Committee, to whom was referred Senate bill No. 120, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, one thousand eight hundred and fifty-four," have had the same under consideration, and report the bill back, with amendments, and recommend the passage of the bill, as amended.

T. G. PHELPS, } of Committee.
S. A. BALLOU, }

Amend, by striking out the last proviso.

Add the following additional section:

Section two—This Act shall only apply to the Counties of San Mateo and Plumas.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 55, an Act to fund the entire indebtedness of Calaveras County, contracted prior to the first day of November, one thousand eight hundred and fifty-eight, and to provide means for the payment of the same;

Also, Senate bill No. 132, an Act authorizing and empowering the County Recorder of Solano County to transcribe certain records, and to legalize the same;

Also, Senate bill No. 141, "An Act supplementary to, and amendatory of, an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same;"

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

On motion of Mr. Anderson, Senate bill No. 127, "An Act extending the privileges of the Homestead Law to certain persons," was taken from file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments of Committee concurred in.

Mr. McDonald offered the following amendment to section second, after the word "same," in eleventh line:

"*Provided*, the amount of land exempt, under the provisions of this Act, shall not exceed three hundred and twenty acres, if the homestead is not located within the limits of any City or Town; but if it is within the limits of any City or Town, the amount of land shall not exceed three hundred and twenty feet square."

Mr. Berry moved to amend the amendment of Mr. McDonald, by striking out "three hundred and twenty acres," and inserting "three thousand."

Which was lost.

The question being upon the amendment of Mr. McDonald, it was adopted.

On motion of Mr. Burch, the usual number of copies of the bill as amended, with reports, was ordered printed:

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 2, 1859.

To the Senate of California:

I have to inform you that I, this day, approved the following bills, to wit:

"An Act to amend an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco;"

Also, an Act to fix the compensation of the Tax-Collector of the County of El Dorado, and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County Warrants, issued by the County Auditor of said County.

JOHN B. WELLER.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 2, 1859.

To the Senate of California:

I respectfully call the attention of your honorable body to certain claims against the State, for arresting criminals, which have accrued since the adjournment of the last Legislature. Article 2014, section one, of the Act concerning Crimes and Punishments provides:

"If any person who has been sentenced to confinement in the State Penitentiary by any Court having competent authority within this State, shall escape therefrom, or if any person shall commit treason against the State, or shall be charged with murder, or the perpetration of any crime, punishable with death, the Governor is authorized, upon satisfactory evidence of the guilt of the accused, to offer a reward for his or her apprehension.. Which reward shall not exceed the sum of one thousand dollars, and shall be paid out of the General Fund."

It had been the practice of my predecessors to draw on the General Fund for these rewards, considering that this Act amounted to a specific appropriation under the Constitution. The Attorney-General having given a different construction to the Act, the Controller declines drawing his warant for these rewards. To obviate the difficulty, I must now request the Legislature to make an appropriation for the claims which have been presented, and in future to set aside a specific fund, in order that the Executive may discharge the duty imposed upon him by the section to which I have referred.

The whole amount of rewards to which parties are now entitled is one thousand six hundred dollars.

It is proper to inform your honorable body that claims of this character, to the amount of four hundred and ninety-three dollars and seventy-five cents, have been paid out of the Special Contingent Fund of the Governor.

JOHN B. WELLER.

On motion of Mr. Burton, the message was referred to the Committee on Claims.

On motion of Mr. Burch, Senate bill No. 150, "An Act providing for the payment of judgments against the several Counties and Cities of this State, and exempting from forced sale, under execution, or other process, all the personal property belonging to any County or City in this State," was recommitted to the Judiciary Committee, and the usual number of copies of the bill ordered printed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on February twenty-eighth, passed

Assembly bill No. 155, an Act to authorize the Mayor of Benicia to enter into an agreement with S. C. Hastings, for exchange of certain property, for school purposes.

C. GILMAN, Clerk.

MARCH 2, 1859.

Assembly bill No. 155, "An Act to authorize the Mayor of Benicia to enter into an agreement with S. C. Hastings, for exchange of certain property, for school purposes, was taken up, read first and second times, rules further suspended, bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill read a third time, and passed.

GENERAL FILE.

Senate bill No. 147, "An Act to compensate the Warden of the State-prison," was taken up.

Mr. Griffith offered the following resolution:

Resolved, That the Governor be requested to transmit to the Senate the resolution, and proceedings of the Board of State-prison Directors, providing for the appointment of a Warden for the State-prison.

Upon which, the ayes and noes were demanded, by Messrs. Anderson, Pacheco, and Merritt, and taken, with the following result: ayes, 14—noes, 17:

AYES—Messrs. Allen, Burch, Dent, Griffith, Holden, Kirkpatrick, Merritt, Parks, Price, Quinn, Redman, Thom, Wheeler, and Williams—14.

NOES—Messrs. Anderson, Baker, Berry, Bradley, Burton, Dickinson, Denver, Garter, Grant, Ketcham, Lansing, McDonald, O'Farrell, Pacheco, Parker, Phelps, and Titus—17.

So the resolution was lost.

Pending the consideration of the bill, the hour arrived for the

SPECIAL ORDER OF THE DAY.

Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, and, with Senate bill No. 109, an Act entitled an Act to grant the right to construct a bridge across the Colorado River at Fort Yuma, near the junction of the Gila, in the County of San Diego, State of California, to certain parties therein named," were placed on file, and the usual number of copies of the bills ordered printed.

FURTHER SPECIAL ORDER OF THE DAY.

Substitute for Senate bills Nos. 24 and 51, "An Act amendatory of an Act entitled an Act concerning roads and highways, passed April twenty-second, one thousand eight hundred fifty-five," was taken up.

And, on motion of Mr. Holden, the substitute, with bills, were indefinitely postponed.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

On motion of Mr. Titus, Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada," was made the special order of the day for Thursday, March third, at twelve o'clock, M.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.* of Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

THURSDAY, March 3, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Garter presented a petition, with an accompanying bill, from citizens of the Town of Red Bluff, relative to introducing water into said Town.

On motion of Mr. Burch, the petition and bill were referred to the Judiciary Committee.

REPORTS.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 65, "An Act to amend an Act entitled an Act to incorporate the City of Stockton," and find the same correctly enrolled.

A. ST. C. DENVER, for Committee.

Report accepted.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred

Senate bill No. 160, an "Act to authorize the sale of certain real estate by guardians," have had the same under consideration, report the bill back, amended, and recommend its passage, as amended;

Amend section two, by adding the following to end of section: "*And, provided, also*, that the sureties on said bond or bonds shall justify, as in case of bonds given under the Civil Practice Act of this State;"

Senate bill No. 144, "An Act amendatory of an Act entitled an Act concerning crimes and punishments," your Committee have also had under consideration. They report the same back, with a substitute. Messrs. Garter and Anderson recommend the passage of the substitute; and Messrs. Burch and Gregory recommend that the original bill and substitute be indefinitely postponed.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures have had under consideration, the "Statement of the Expenditures of the Contingent Fund of the Attorney-General, from the first of January, one thousand eight hundred and fifty-eight, to the first of January, one thousand eight hundred and fifty-nine," and find it defective, as much as no dates are set out therein, and it is not shown from which fund the amounts have been drawn. We therefore ask that the account may be withdrawn, that it may be corrected in that particular.

THOM, Chairman.

Report accepted, and, with accounts, placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures, to whom was referred "the communication from the Governor, relative to the contingent expenses of his office," with accompanying statement of expenses of the Governor's office, from January ninth, one thousand eight hundred and fifty-eight, to January first, one thousand eight hundred and fifty-nine, have had the same under consideration, and beg leave to report to the Senate, that the accounts presented show that the sum of one thousand seven hundred and eighty-eight dollars and seventy-seven cents, was expended for contingents in the Governor's office, between the sixteenth of January, one thousand eight hundred and fifty-eight, and the first of January, one thousand eight hundred and fifty-nine, all of which amount seems to have been drawn out of the Contingent Fund of the Governor's office, for the tenth fiscal year, thereby creating a deficit of eight hundred and eighty-eight dollars and seventy-seven cents in that fund.

On the twenty-ninth of March, one thousand eight hundred and fifty-eight, an Act was passed, appropriating one thousand five hundred dollars to cover and meet deficiencies in the Contingent Fund of the Governor's office, accrued and to accrue during the ninth fiscal year. Out of this fund should have been drawn, by the Governor, the sum of fourteen hundred and thirty-five dollars and fifty-five cents, that amount having been expended by him previous to the first of July, one thousand eight hundred and fifty-eight. Since the commencement of the tenth fiscal year, three hundred

and fifty-three dollars and twenty-two cents, have been drawn out of the Contingent Fund of the Governor's office, leaving therein, on the first of January, one thousand eight hundred and fifty-nine, of the nine hundred dollars appropriated, the sum of five hundred and forty-six dollars and seventy-eight cents, instead of there being a deficit, as the account upon its face would indicate. After an examination of the books in the Governor's office, it will be seen that thirty-seven dollars and ninety-six cents were expended on the thirty-first of December, one thousand eight hundred and fifty-eight, which is not mentioned in the account presented to the Senate. After inquiry, the Committee ascertained that this omission is the result of the book not having been posted on that day, at the time that the account was drawn off. This sum of thirty-seven dollars and ninety-six cents being added to three hundred and fifty-three dollars and twenty-two cents, gives three hundred and ninety-one dollars and eighteen cents, as the amount that has been drawn from the Contingent Fund for the Governor's office, for the tenth fiscal year, leaving therein, on the first of January, one thousand eight hundred and fifty-nine, the actual sum of five hundred and eight dollars and eighty-two cents. The Committee also find items in the account presented, amounting to seven hundred and eighty-three dollars, which are for maps, town-plats, etc., for Surveyor-General's office. Strictly speaking, they are not legitimate objects of charge against the Contingent Fund for the Governor's office, but your Committee are satisfied, that in order to carry out the provisions of the law creating a Land Office, this expenditure was absolutely necessary.

THOM, Chairman of Committee.

Report accepted, and, with communication, placed on file.
Further report from same:

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the accounts of the Secretary of the Senate, for copying done from the twenty-first to the twenty-eighth of February, inclusive, and beg leave to present the accompanying report of the number of folios copied into the Journal-Book, and for the Printer, and the amount allowed for the same.

THOM, Chairman.

Report accepted, and with accounts placed on file.

State of California, To E. C. PALMER, Secretary of the Senate, Dr.,

For copying into Senate Journal, from page 365 to 437—72 pages, 540 folios, at 15 cents per folio	$81 00
540 folios copied for Printer, at 10 cents per folio	54 00
Total	$135 00

Examined, audited, and allowed.

THOM,
Chairman Committee on Public Expenditures.

Mr. Price, of the Sacramento delegation, made the following report:

Mr. President:—The Sacramento delegation, to whom was referred Senate bill No. 135, have had the same under consideration, and report it back to the Senate, with amendments, and recommend its passage, as amended.

PRICE,
McDONALD, } Of Delegation.

Report accepted, and, with bill, placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, passed Senate bill No. 121, "An Act concerning the office of Sheriff, in and for the Counties of of Solano and Contra Costa;"

Also, adopted Senate Concurrent-Resolution No. 27, "relative to allowing the Joint Committee appointed to examine vouchers, upon which were issued the three millions nine hundred thousand dollars, a Clerk;"

Also, concurred in Senate amendments to Assembly bill No. 44, "An Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty."

C. GILMAN, Clerk.

March 3, 1850.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, March 3, 1859.

To the Senate of California:

I have to inform you, that I have, this day, approved the following bills, to wit:

"An Act to fund the entire indebtedness of Calaveras County, contracted prior to the first day of November, eighteen hundred and fifty-eight, and to provide means for the payment of the same;"

Also, "An Act authorizing and empowering the County Recorder of Solano County to transcribe certain records, and to legalize the same."

JOHN B. WELLER.

FURTHER MESSAGE FROM THE GOVERNOR.

Office of the Board of Examiners,
Sacramento, March 2, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim which has been passed upon by the Board of Examiners, together with the papers and opinion of the Board, to which I respectfully refer your honorable body.

Wm. T. Barbour against the State of California.

JOHN B. WELLER,
President of the Board of Examiners.

Message, with accompanying papers, referred to the Committee on Claims.

INTRODUCTION OF BILLS.

Mr. Quinn, by leave, introduced a bill for "An Act to authorize the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the Fire Department."

Which was read first and second times, and placed on file.

Mr. O'Farrell, by leave, introduced a bill for "An Act regulating the salaries of certain County officers in Sonoma County."

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Holden, the usual number of copies of Senate bill No. 159, "An Act providing for the disposition and reclamation of the swamp and overflowed land donated to this State by the United States," was ordered printed.

Mr. Dent offered the following resolution, which was adopted:

Resolved, That the Controller of State be authorized to draw his warrant in favor of William F. Williamson, for the sum of one hundred and fifteen dollars, in payment of one-half of his salary as Clerk of the Special Joint Committee to investigate the affairs of the State Insane Asylum, payable out of the Contingent Fund of the Senate.

Mr. Griffith offered the following resolution, which was adopted:

Resolved, That the Controller of State be authorized to draw his warrant in favor of G. W. Dent, and payable out of the Contingent Fund of the Senate, for the sum of seventy-three dollars and ninety-four cents, for the Senate proportion of the contingent expenses of the Joint Committee to investigate the affairs of the State Insane Asylum.

Mr. Burch gave notice that he would, at an early day, introduce a bill to submit to the people of the State a proposition to call a Constitutional Convention.

On motion of Mr. Gregory, Assembly bill No. 114, "An Act making appropriations for the salaries of Clerks in the State Land Office, from the first day of February to the thirtieth day of June, one thousand eight hundred and fifty-nine," was taken from the file, and considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

GENERAL FILE.

Senate bill No. 147, "An Act to compensate the Warden of the State-prison," was taken up.

Pending which, the hour arrived for the special order of the day.

On motion of Mr. Burton, the special order of the day was laid on the table.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Baker, Griffith, and Lansing, and taken, with the following result: ayes, 24—noes, 3:

AYES—Messrs. Anderson, Baker, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Gregory, Hamm, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Quinn, Titus, Wheeler, and Williams—24.

NOES—Messrs. Griffith, Price, and Thom—3.

DECLINED—Mr. Ballou declined to vote.

So the bill passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate bill No. 146, "An Act for the government of the State-prison, and creating a Board of Directors, and defining their powers and duties, and to repeal an Act entitled an Act for the government of the State-prison, and to provide for the location of a Branch-prison," approved April twenty-fourth, one thousand eight hundred and fifty-eight, and find the same correctly engrossed.

J. H. BAKER, Chairman.

Report accepted, and bill placed on file.

GENERAL FILE RESUMED.

Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive," was taken up, read a third time, and passed.

On motion of Mr. Burton, the special order of the day was taken from the table.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 49, "An Act supplementary to an Act entitled an Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty, was, on motion of Mr. Williams, laid on the table.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road, over the Sierra Nevada," was taken up, considered in Committee of the Whole, and amended.

Pending which, Mr. Parker moved to adjourn.

Which was lost.

Further consideration of the bill in Committee of the Whole.

Pending which, Mr. Merritt moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Price, and Merritt, and taken, with the following result: ayes, 9—noes, 25:

AYES—Messrs. Baker, Ballou, Burch, Hart, Kirkpatrick, Lansing, Merritt, Parker, and Williams—9.

NOES—Messrs. Anderson, Allen, Berry, Bradley, Burton, Dent, Dickinson, Denver, Garter, Grant, Gregory, Griffith, Hamm, Holden, Ketch-

am, McDonald, O'Farrell, Pacheco, Parks, Price, Quinn, Redman, Thom, Titus, and Wheeler—25.

So the motion was lost.

FURTHER MESSAGE FROM THE GOVERNOR.

OFFICE OF BOARD OF EXAMINERS,
Sacramento, March 3, 1859.

To the Senate of California:

I transmit, herewith, to your honorable body, the following claims, which have been passed upon by the Board of Examiners, as equitable claims against the State, together with the opinions of the Board, and papers in each case, viz.:

D. Cohn, Assignee of Augustus Miller, for Services performed at Insane Asylum	$29
A. R. Melony, for Services as Controller of State	1,571
Total	$1,600

JOHN B. WELLER.
President Board of Examiners.

Message, with accompanying papers, referred to the Committee on Claims.

IN SENATE.

Senate bill No. 110 reported back, amendments made in Committee of the Whole concurred in.

Mr. Redman offered the following amendment, which was lost:

Amend section eight—Strike out the words "The Board of Wagon-Road Commissioners shall have power to elect a Superintendent, whose salary shall not exceed the sum of two thousand dollars," and insert the following:

"The Surveyor-General of the State shall act as Superintendent, and receive for his services, as such Superintendent, a sum to be fixed by the Board of Commissioners, which shall not exceed the sum of two thousand dollars."

Mr. Berry offered the following amendment, as an additional section, which was adopted:

Section ten—The accounts of the members of the Board of Wagon-Road Commissioners, created by this Act, for expenses incurred in the performance of their duties, shall be presented to the Board of Examiners, mentioned in section five of this Act, and such accounts, so audited and allowed, shall be paid in the same manner as the accounts for labor and materials are required to be paid.

Mr. Anderson moved to indefinitely postpone the bill.

Mr. Griffith moved to make the bill the special order of the day for Saturday, March fifth, at twelve o'clock.

Which was lost.

The question recurring on Mr. Anderson's motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Berry, Griffith, and Gregory, and taken, with the following result: ayes, 12—noes, 22:

Ayes—Messrs. Anderson, Allen, Baker, Burton, Gregory, Holden, Kirkpatrick, Lansing, Merritt, Quinn, Redman, and Thom—12.

Noes.—Messrs. Ballou, Berry, Bradley, Burch, Dent, Dickinson, Denver, Garter, Grant, Griffith, Hart, Hamm, Ketcham, McDonald, O'Farrell, Pacheco, Parks, Parker, Price, Titus, Wheeler, and Williams—22.

So the motion was lost.

The bill was then ordered engrossed, and read a third time.

Mr. Pacheco, by leave, introduced a bill for "An Act to enable parties therein named to partition or sell real estate."

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Redman, the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: E. C. Palmer, Secretary of Senate.

IN SENATE.

Friday, March 4, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Dent, of the Committee on Corporations, made the following report:

Mr. President:—The Committee on Corporations have had under consideration Senate bill No. 115, an Act to incorporate the City of San José, and herewith return the same, recommending the passage thereof.

JAMES ANDERSON, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred the monthly report of the Sergeant-at-Arms of the Senate, have examined the same, and recommend that it be approved.

C. J. LANSING, Chairman.

Report accepted, and, with accounts, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 110, an Act appropriating money for the completion of a wagon-road over the Sierra Nevada;

Also, Senate bill No. 40, an Act in relation to a sea-wall or bulk-head, in the City and County of San Francisco;

Also, Senate bill No. 113, an Act to great the right to construct a bridge across the Upper Sacramento River at the Town of Red Bluff, to certain parties therein named;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and bills placed on file.

Mr. Thom, of the Los Angeles delegation, made the following report:

MR. PRESIDENT:—Your Special Committee, to whom was referred Senate bill No. 158, being "An Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating and other purposes," have had the same under consideration, and beg leave to report the bill back, without amendment, and recommend its passage.

THOM, Committee.

Report accepted, and, with bill, placed on file.

On motion of Mr. Thom, Senate bill No. 158, "An Act to authorize the Mayor and Common Council of the City of Los Angeles to construct a loan for irrigating purposes," was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the second day of March, A. D. one thousand eight hundred fifty-nine, at three o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 55, "An Act to fund the entire indebtedness of Calaveras County, contracted prior to the first day of November, one thousand eight hundred fifty-eight, and to provide means for the support of the same."

Also, Senate bill No. 105, "An Act to incorporate the City of Placerville."

Also, Senate bill No. 132, "An Act authorizing and empowering the County Recorder of Solano County to transcribe certain records, and to legalize the same."

Also, Senate bill No. 141, "An Act supplementary to, and amendatory of, an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same.

BERRY, Chairman.

Report accepted.

Also, the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 121, an Act concerning the office of Sheriff in and for the Counties of Solano and Contra Costa;

Also, "Senate Concurrent-Resolution relative to allowing Joint Com-

mittee appointed to examine vouchers upon which were issued the three millions nine hundred thousand dollars, a Clerk;"

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Burton, by leave, introduced a bill for "An Act amendatory and explanatory of a portion of the Acts to provide revenue for the support of the Government of this State."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Phelps, by leave, introduced a bill for "An Act concerning roads and highways in the City and County of San Francisco."

Which was read first and second times, and referred to the San Francisco and San Mateo delegation.

Mr. Burch, pursuant to notice, introduced a bill for "An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State."

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Dickinson, the reports of the Committee on Public Expenditures, relative to the accounts of the Secretary for copying, etc.—

Also, "relative to the contingent expenses of the Attorney-General's Office;"

Were taken from file, and adopted.

On motion of Mr. Lansing, the following report of the Committee on Contingent Expenses, was taken from file, and adopted:

Relative to accounts of Wm. Dougherty, for Newspapers furnished Senate	$19 50
Houghton & Co., for Newspapers furnished Senate	2 50
Geo. J. Lytle, for Newspapers furnished Senate	74 50
King, Hamm & Wright, for Newspapers furnished Senate	18 00
Morning Star	6 00
Wells, Fargo & Co., (250 Franks)	25 00

C. J. LANSING, Chairman.

On motion of Mr. Thom, the report of the Committee on Public Expenditures "relative to pay of Julius Schulz, for translating the Governor's Message into German," was taken from file, and the substitute resolution reported by Committee adopted.

Mr. Burton moved to amend, by striking out "one hundred and sixty-five dollars," and inserting "eighty-eight dollars."

Which was adopted.

On motion of Mr. Thom, the resolution, as amended, was adopted.

Mr. Redman offered the following resolution, which was lost:

Resolved, That the picture of Washington, now in the Senate Chamber,

may be removed, for the purpose of the Legislative Ball, to the National Theatre of this City, provided the same be carefully transported thereto, and returned to the Chamber on Saturday, the fifth of March.

Mr. Garter arose to a question of privilege:

Mr. President:—I desire to speak a moment to a question of privilege. I noticed, this morning, in the report of the Senate proceedings of yesterday, in the Daily Democratic Standard, that I am reported as saying what I did not say, and what I never thought of saying. Senate bill No. 110, an Act to make an appropriation for the purpose of improving the wagon-road over the Sierra Nevadas, being under consideration, I made some remarks, in which I am reported to have said: Mr. Garter "hoped it, (the bill under consideration,) would not be postponed. His clients were opposed to the Central Route, and he could not vote for the bill." I did not make that statement, or anything that implied it. But I said that my constituents were opposed to the measure, and that I considered myself virtually instructed by them to vote against the bill. As the report of which I complain is capable of the worst of constructions, I take this method of correcting it. I impute no improper motives in this misrepresentation of my remarks, but attribute it either to the misunderstanding of my remarks, or to a misprint, that I deem it due to myself a correction should be made.

GENERAL FILE.

Senate bill No. 146, "An Act for the government of the State-prison, and creating a Board of Directors, and defining their powers and duties, and to repeal an Act entitled an Act for the government of the State-prison, and to provide for the location of a Branch-Prison," approved April twenty-fourth, one thousand eight hundred and fifty-eight—

Mr. Burton offered the following amendments, which were adopted unanimously:

Amend section seven, by adding to the same, "all orders upon the Controller shall be signed by the Board, or a majority thereof."

Amend section twelve, as follows:

"The money appropriated by the Legislature, for the purposes of this Act, are exempt from the operation of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, passed April twenty-first, one thousand eight hundred and fifty-eight."

Amend the bill, by adding the foregoing as section twelve.

Amend section twelve, by striking out the figures "twelve," and inserting in place thereof, the figures "thirteen."

The bill was then read a third time, and passed.

Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada, was taken up.

Mr. Burton moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs Anderson, Gregory, Ketcham, and Garter.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Garter appearing at the bar of the Senate, was, on motion of Mr. Thom, admitted.

Mr. Price moved that further proceedings under the call be dispensed with.

Lost.

Mr. Ketcham appearing at the bar of the Senate, was, on motion of Mr. Burton, admitted.

Mr. Parker moved that further proceedings under the call be dispensed with.

Lost.

Mr. Anderson appearing at the bar of the Senate, was, on motion of Mr. Burton, admitted.

Mr. Quinn moved that further proceedings under the call be dispensed with.

Lost.

Mr. Gregory appearing at the bar of the Senate, was, on motion of Mr. Burton, admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Merritt, and Griffith, and taken, with the following result: ayes, 14—noes, 19:

AYES—Messrs. Berry, Dickinson, Denver, Grant, Griffith, Hart, Hamm, McDonald, Parks, Parker, Phelps, Price, Titus, and Williams—14.

NOES—Messrs. Anderson, Baker, Bradley, Burch, Burton, Dent, Garter, Gregory, Holden, Ketcham, Kirkpatrick, Lansing, Merritt, O'Farrell, Pacheco, Quinn, Redman, Thom, and Wheeler—19.

DECLINED—Mr. Allen declined to vote.

So the Senate refused to pass the bill.

Mr. Redman gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Senate bill No. 113, "An Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain persons therein named, was read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 103, "An Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight, was taken up, and, with Senate bill No. 2, "An Act amendatory of, and supplemental to, an Act to regulate proceedings in civil cases, in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight, were made the special order of the day for Saturday, March fifth, at twelve o'clock, M.

FURTHER SPECIAL ORDER.

Assembly bill No. 87, "An Act to define the boundaries and provide

for the organization of Mendocino County," was considered in a Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

FURTHER SPECIAL ORDER.

Senate bill No. 71, "An Act to authorize the establishment of County Infirmaries, for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five, was taken up, considered in Committee of the Whole.

Pending which, Mr. Burch moved that the Senate do now adjourn, upon which, the ayes and noes were demanded, by Messrs. Berry Pacheco, and Price, and taken, with the following result: ayes, 13—noes, 17:

AYES—Messrs. Bradley, Burch, Dent, Hamm, Holden, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Quinn, and Thom—13.

NOES—Messrs. Allen, Baker, Ballou, Berry, Burton, Dickinson, Denver, Grant, Griffith, Hart, Ketcham, Kirkpatrick, Parker, Phelps, Price, Titus, and Wheeler—17.

So the motion was lost.

Further consideration of the bill in Committee of Whole.

Pending which, Mr. Burch moved that the Senate do now adjourn, upon which, the ayes and noes were demanded, by Messrs. Burch, Berry, and Griffith, and taken, with the following result: ayes, 17—noes, 15:

AYES—Messrs. Ballou, Bradley, Burch, Dent, Gregory, Holden, Ketcham, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, and Thom—17.

NOES—Messrs. Anderson, Allen, Baker, Berry, Burton, Dickinson, Denver, Garter, Grant, Griffith, Kirkpatrick, Price, Redman, Titus, and Wheeler—15.

So the motion was adopted.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

SATURDAY, March 5, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Quinn asked and obtained leave of absence, for Mr. Holden, for one day.

Mr. Anderson asked and obtained leave of absence, for Mr. Gregory, for one day.

Journals of yesterday read and approved.

REPORTS.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

Mr. President:—Your Committee on Claims, to whom were referred the claims against the State Insane Asylum, have approved the same, and will report the bill on Monday.

E. GARTER, Chairman.

Report accepted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,
March 5, 1859.

Mr. President:—The Assembly, on yesterday, passed Senate bill No. 76, an Act concerning agricultural societies;

Also, Senate bill No. 124, an Act amendatory of, and supplementary to, an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, of and to which there is a certain Act amendatory and supplementary, approved April eighteenth, one thousand eight hundred and fifty-seven, and of and to which there is a certain other Act amendatory and supplementary, approved April twenty-fifth, one thousand eight hundred and fifty-seven;

Also, Senate bill No. 137, an Act to aid in the erection of the Washington Monument in the District of Columbia;

Also, Assembly bill No. 65, an Act amendatory of an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 140, an Act in relation to mining corporations;

Also, Assembly bill No. 144, an Act to establish and declare a uniform mode for computing degrees of kindred;

Also, Assembly bill No. 219, an Act for the protection of gas-light companies;

Also, Assembly bill No. 194, an Act to fund certain claims against Sacramento County.

Also, concurred in Senate amendments to Assembly bill No. 155, an Act to authorize the Mayor of Benicia to enter into an agreement with S. C. Hastings, for exchange of certain property, for school purposes;

Also, in Senate amendments to Assembly bill No. 46, an Act for the relief of the County Treasurer of the County of San Joaquin;

Also, Senate amendment to Assembly Concurrent-Resolution No. 37, adding Mr. Malarin to the Joint Committee to select proposals to translate laws;

And indefinitely postponed Senate bill No. 58, an Act to amend an An Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty.

March 4, 1859. C. GILMAN, Clerk.

Assembly bill No. 65, "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma, and Marin," approved April fifteenth, one thousand eight hundred and fifty-eight, was taken up, read first and second times, rules suspended, bill read a third time, and passed.

Assembly bill No. 140, "An Act in relation to mining corporations," read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 144, "An Act to establish and declare a uniform mode for computing degrees of kindred," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 219, "An Act for the protection of gas-light companies," read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 194, "An Act to fund certain claims against Sacramento County," read first and second times, and referred to the delegation from Sacramento County.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, March 5, 1859.

MR. PRESIDENT:—I am directed to inform the Senate, that the Assembly, on yesterday, passed the following bills:

Senate bill No. 153, an Act to fix the times for the commencement of terms of the District Court, County Courts, and Courts of Sessions in the Counties of Yuba and Sutter.

Senate bill No. 126, an Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of Yuba County, with an amendment.

Senate bill No. 125, an Act relating to the sureties on the official bond of Henry Bates, late State Treasurer.

Assembly bill No. 45, an Act amendatory of, and supplementary to, the Act defining the rights of husband and wife.

C. GILMAN, Clerk.

Senate bill No. 126, "An Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of Yuba County," approved April twenty-second, one thousand eight hundred and fifty-eight, taken up, amendments of Assembly concurred in.

Assembly bill No. 45, "An Act amendatory of, and supplementary to, the Act defining the rights of husband and wife," read first and second times, and referred to the Judiciary Committee.

Mr. Griffith, by leave, offered the following proposed amendments to the Constitution:

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

Section ten, article eleven, is hereby amended so as to read as follows:

Section ten—The credit of the State shall not, in any manner, be given, or loaned to, or in aid of, any individual, association, or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation; *Provided, however*, that, for the purpose of aiding in securing the construction of a railroad from the Bay of San Francisco to the Eastern boundary-line of the State, there to connect with any rail-

road that may hereafter be constructed to connect with the Mississippi River, the Legislature shall have the right, by law, to pledge the faith and credit of the State for the payment, semi-annually, of five per cent. per annum interest on the first mortgage-bonds, to any amount not exceeding twenty millions of dollars, of any company that will construct such railroad from any point on the Bay of San Pablo, Suisun, or the Straits of Carquinez, to the Eastern boundary-line of this State; *Provided*, that no greater amount of first mortgage-bonds shall be issued by said company than shall be authorized by law, passed in pursuance of this section, together with the interest thereon; and the interest paid by the State therein shall constitute and be a prior lien upon such road, together with all property of any kind connected therewith, or belonging thereto, which lien shall not be extinguished until the whole amount of principal and interest shall have been fully paid by said company, or their assignees.

Referred to the Judiciary Committee.

Mr. Griffith moved that the amendments to the Constitution be made the special order for Wednesday next, at twelve o'clock, M.

Carried.

On motion of Mr. Griffith, the proposed amendments were made the special order of the day for Wednesday, March ninth, at twelve o'clock, M.

Mr. Thom offered the following proposed amendments to the Constitution, which were referred to the Judiciary Committee:

The Legislature of the State of California, at its Tenth Session, commencing on the third day of January, one thousand eight hundred and fifty-nine, propose the following amendments to Article XII of the Constitution:

Article XII. Boundary—The boundary of the State of California shall be as follows:—Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a south-easterly direction, to the intersection of the thirty-sixth degree of north latitude; thence running west, along said thirty-sixth degree of north latitude to the Pacific Ocean, and extending therein three English miles; thence running in a north-westerly direction, and following the direction of the Pacific Coast, to the forty-second degree of north latitude; thence, on the line of said forty-second degree of north latitude, to the place of beginning. Also, all the islands, harbors, and bays, along and adjacent to the coast.

Mr. Phelps, of the San Francisco and San Mateo delegation, made the following report:

Mr. President:—The delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 113, an Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco, have had the same under consideration, and report the bill back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill, as amended.

Amend section second, line fifth, after the word "terms," by adding, "not exceeding their par value."

PHELPS, for the Delegation.

Report accepted, and, with bill, placed on file.
Mr. Burton offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms, or, in his absence, the Clerk to the Sergeant-at-Arms, be authorized to receive, from the Controller of State, his warrants for the per diem of Lieutenant-Governor and Senators.

Mr. Griffith offered the following resolution:

Whereas, By the provisions of an Act entitled an Act amendatory of an Act to incorporate a State Agricultural Society, and appropriate money for its support, approved May thirteenth, one thousand eight hundred and fifty-four, it is made the duty of the Recording Secretary of said Society to report, annually, to the Governor, a full statement of the financial affairs of said Society; *and, whereas*, such statement has not as yet been made: Therefore,
Resolved, That unless such report be made in compliance with law, that it will be advisable to repeal the appropriation in said law, made for the benefit of said Society.

Mr. Phelps moved to lay the resolution on the table.
Which was lost.
The resolution was then adopted.

GENERAL FILE.

Senate bill No. 40, "An Act to provide for a sea-wall or bulk-head in the City of San Francisco," was taken up, and, on motion of Mr. Phelps, recommitted to the Committee on Commerce and Navigation, with the following instructions:
Amend section second, lines twelfth and thirteenth: strike out the words "Channel and Fifth streets," and insert "Brannan and First streets;" line thirteenth, strike out "Larkin and Jefferson streets," and insert "North Point and Kearny streets."

SPECIAL ORDER OF THE DAY.

Senate bill No. 2, "An Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight, taken up, considered in Committee of the Whole.

IN SENATE.

Reported back.
Mr. Merritt moved a call of the Senate.
Which was adopted.
Roll called.
Absent—Messrs. Grant, Hart, O'Farrell, Pacheco, Parker, and Price.
Sergeant-at-Arms dispatched for absentees.
Mr. Phelps asked and obtained leave of absence, for Mr. Parker.
On motion of Mr. Burch, further proceedings under the call were dispensed with.

The question being upon the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Berry, Merritt, and Lansing, and taken, with the following result: ayes, 23—noes, 9:

AYES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Grant, Gregory, Hart, Hamm, Ketcham, Lansing, Merritt, Pacheco, Phelps, Quinn, Redman, Thom, and Wheeler—23.
NOES—Messrs. Allen, Ballou, Griffith, Kirkpatrick, McDonald, Parks, Parker, Titus, and Williams—9.

So the motion prevailed.

Mr. Redman moved to reconsider the vote by which the the Senate, on yesterday, refused to pass Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada."

Mr. Griffith moved to make the motion to reconsider, the special order of the day for Tuesday, March eighth, at twelve o'clock, M., upon which, the ayes and noes were demanded, by Messrs. Lansing, Gregory, and Titus, and taken, with the following result; ayes, 25—noes, 8:

AYES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Dent, Dickinson, Denver, Grant, Griffith, Hart, Hamm, Ketcham, Kirkpatrick, McDonald, Merritt, Parks, Parker, Phelps, Price, Quinn, Redman, Titus, Wheeler, and Williams—25.
NOES—Messrs. Anderson, Baker, Burton, Garter, Gregory, Lansing, Pacheco, and Thom—8.

So the motion was adopted.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 125, "An Act relating to the sureties on the official bond of Henry Bates, late State Treasurer," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Grant, of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was recommitted Senate bill No. 40, with special instructions, have considered the matters committed, and report back the amendments required by said instructions, as follows:

Amend section two, lines twelve and thirteen, in printed bill, by striking out the words "Channel and Fifth," and insert "Brannan and First," in lieu thereof.

Also, in line thirteenth, strike out "Larkin and Jefferson," and insert "North Point and Kearny streets."

Amend section four, line twelve, printed bill, by inserting, after the word "built," the words: "*Provided*, there is so much additional space in length as said first section, within the limits as prescribed in the second

section of this Act, and if not, then only so much as there may be within said limits, and."

Amend the sixth section, line three, printed bill, by inserting, after the word "same:" *Provided*, there be as much additional space in length as said first and second sections, within the limits as prescribed in section second of this Act, and if not, then only so much as there may be within said limits."

GILBERT A. GRANT,
A. S. HART,
HUMPHREY GRIFFITH,
E. D. WHEELER.

Report accepted, and, with bill, placed on file.

FURTHER SPECIAL ORDER.

Senate bill No. 103, "An Act amendatory of, and supplementary to, an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight," was taken up.

Mr. Anderson moved to make the bill the special order of the day for Monday next, March seventh, at half past twelve o'clock, P. M.

Lost.

Mr. Anderson moved to make the bill the special order of the day for Monday, March seventh, at twelve o'clock, M.

Lost.

Mr. Dickinson moved that the Senate do now adjourn, upon which, the ayes and noes were demanded, by Messrs. Berry, Lansing, and Dickinson, and taken, with the following result: ayes, 14—noes, 19:

AYES—Messrs. Allen, Ballou, Dickinson, Griffith, Hart, Ketcham, Kirkpatrick, McDonald, Pacheco, Parks, Price, Quinn, Thom, and Titus—14.

NOES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dent, Denver, Garter, Grant, Gregory, Hamm, Lansing, Merritt, Parker, Phelps, Redman, Wheeler, and Williams—19.

So the motion was lost.

The bill was then considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

Pending the discussion, Mr. Griffith, by leave, moved to reconsider the vote by which the Senate passed, this day, Assembly bill No. 65, "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin," approved April fifteenth, one thousand eight hundred and fifty-eight.

Which was adopted.

On motion of Mr. Griffith, section first, line fifth, after the word "Sonoma," the word "Solano" was inserted.

The bill was then read a third time, and passed.

On motion of Mr. Burton, Senate bill No. 84, "An Act to provide reve-

nue for the support of the Government of this State," was made the special order of the day for Monday, March seven, at twelve o'clock, and every day thereafter, until disposed of.

Mr. Gregory moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Gregory, Lansing, and Hamm, and taken, with the following result: ayes, 11—noes, 22:

AYES—Messrs. Baker, Ballou, Dickinson, Gregory, Griffith, Pacheco, Parker, Phelps, Price, Thom, and Williams—11.

NOES—Messrs. Anderson, Allen, Berry, Bradley, Burch, Burton, Dent, Denver, Garter, Grant, Hart, Hamm, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, Parks, Quinn, Titus, and Wheeler—22.

So the motion was lost.

Mr. Gregory moved that the bill, with amendments, be referred to the Judiciary Committee.

Lost.

Mr. Gregory moved that the bill, with amendments, be referred to the Committee on Swamp and Overflowed Lands.

Lost.

Mr. Berry moved the previous question.

Which was sustained.

The question being "Shall the main question now be put?"

Was adopted.

The question being on ordering the bill engrossed and read a third time, the ayes and noes were demanded, by Messrs. Berry, Lansing, and Denver, and taken, with the following result: ayes, 17—noes, 14:

AYES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dent, Denver, Garter, Grant, Hamm, Lansing, Merritt, Phelps, Quinn, Redman, and Wheeler—17.

NOES—Messrs. Allen, Ballou, Dickinson, Gregory, Griffith, Ketcham, Kirkpatrick, Pacheco, Parks, Parker, Price, Thom, Titus, and Williams—14.

So the bill was ordered engrossed, and read a third time.

FURTHER SPECIAL ORDER.

Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State," was taken up.

Mr. Anderson moved to lay the bill on the table.

Pending which, on motion of Baker, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

MONDAY, March 7, 1859.

The Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.
Journals of Saturday read and approved.

REPORTS.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

Mr. President:—The Committee on Public Lands, to whom was referred Senate bill No. 82, for "An Act making certificates of purchase evidence of title," have had the second Assembly amendment under consideration, and I am instructed to report the bill back to the Senate, and recommend that the Senate concur in said amendments.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.
Mr. Denver, of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate bill No. 76, "An Act concerning Agricultural Societies;"
Also, Senate bill No. 124, an Act amendatory of, and supplementary to, an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, of and to which there is a certain Act amendatory and supplementary, approved April eighteenth, one thousand eight hundred and fifty-seven, and of and to which there is a certain other Act amendatory and supplementary, approved April twenty-fifth, one thousand eight hundred and fifty-seven;
Also, Senate bill No. 37, an Act to aid in the erection of the Washington Monument in the District of Columbia;
Also, Senate bill No. 153, an Act to fix the times for the commencement of the terms of the District Court, County Courts, and Courts of Sessions, in the Counties of Yuba and Sutter;
Also, Senate bill No. 126, an Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of the County of Yuba;
And find the same correctly enrolled.

A. St. C. DENVER, for Committee.

Report accepted.
Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 157, an Act to authorize the Board of Supervisors of Siskiyou County to transfer certain funds;
Also, Senate bill No. 158, "An Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes;"
Also, Senate bill No. 119, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals;"
And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the fifth day of March, A. D. one thousand eight hundred and fifty-nine, at three o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 121, "An Act concerning the office of Sheriff, in and for the Counties of Solano and Contra Costa;"

Also, Senate bill No. 65, "An Act to amend an Act entitled an Act to reincorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven.

BERRY, Chairman.

Report accepted.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 40, an Act in relation to a sea-wall or bulk-head, in the City and County of San Francisco, with instructions to insert certain amendments, have inserted said amendments; but the undersigned begs leave to say that the amendments do not in his opinion relieve the bill of its objectionable features. The limits of the bill as amended, still embrace about three miles of the water-line, and as fully and effectually monopolise all the available portion of the City-front as did the original bill. The only portion of the City-front that either now, or ever will, require the construction of a sea-wall, lies between Rincon Point and Clark's Point, and is less than one mile in extent; and to those limits should this company be strictly confined.

The Legislature can not guard with too much caution against the granting of exclusive privileges, which, in connection with a large combination of capital, will result inevitably in the establishment of powerful, and generally oppressive monopolies.

Respectfully,

J. M. McDONALD, for the Minority of the Committee.

Report accepted, and placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 7, 1859.

To the Senate of California:

I have to inform you that I, this day, approved the following bills, to wit:

An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March thirty-first, one thousand eight hundred and fifty-seven.

An Act supplementary to, and amendatory of, an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twentieth, one thousand eight hundred and fifty-eight.

Also, an Act to incorporate the City of Placerville.

JOHN B. WELLER.

INTRODUCTION OF BILLS.

Mr. Garter, by leave, introduced a bill for "An Act to fix the terms of holding the Courts in the County of Shasta, and to change the manner of summoning jurors, for the County Court of said County."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Holden, by leave, introduced a bill for "An Act to provide for the issuance of patents to lands located with State school-land warrants."

Which was read first and second times, and referred to the Committee on Public Lands.

GENERAL FILE.

Senate bill No. 119, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals," was taken up.

Mr. Holden moved to recommit the bill to the Committee on Agriculture, with the following special instructions.

Add the following additional sections:

Section ninth—The Governor of this State is hereby authorized to designate some one of the newspapers of this State, in which all the estray notices shall be published monthly, and issue his proclamation, naming the paper, and the amount that may be charged for such advertising, not to exceed two dollars and fifty cents for each estray.

Section tenth—The Recorders of each of the Counties of this State, shall, on the first Monday of every month, forward to the paper designated by the Governor of this State, a certified copy of all the estray notices in his office, excepting those when the approved value of the estray is less than twenty dollars, which shall be inserted in said paper, and a copy thereof shall be forwarded to the Recorders of each County in this State, free of charge, and said paper be kept in said Recorder's office for the examination of all parties, free of charge, the taker up shall pay the amount allowed for advertising at the time of posting the estray.

Pending which, Mr. Burton arose to a point of order.

The hour for the consideration of the special order having arrived, no business can be considered until the special order is disposed of.

The Chair decided that the point of order was not well taken.

The hour having arrived for the special order of the day, Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State—"

On motion of Mr. Anderson, the special order of the day was laid on the table.

The question being upon the motion to recommit, with special instructions, the ayes and noes were demanded, by Messrs. Griffith, Berry, and Price, and taken, with the following result: ayes, 14—noes, 18:

AYES—Messrs. Anderson, Bradley, Burch, Dent, Dickinson, Garter, Hamm, Holden, Kirkpatrick, Lansing, O'Farrell, Price, Quinn, and Redman—14.

NOES—Messrs. Allen, Baker, Ballou, Berry, Burton, Denver, Grant, Gregory, Griffith, McDonald, Merritt, Pacheco, Parks, Parker, Phelps, Thom, Titus, and Wheeler—18.

[illegible]

The bill was then read a third time and passed.

Mr. [illegible], Chairman of the Committee on Claims, made the following report, with bill accompanying the same:

Mr. President:—Your Committee on Claims, to whom were referred the claims of [illegible] have examined the same, and report same back with accompanying bill, and recommend its passage.

[illegible], Chairman.

Report accepted.

Also, the following:

Mr. President:—Your Committee on Claims, to whom were referred the claims of [illegible] have examined same and report same back with the accompanying bill and recommend its passage.

[illegible], Chairman.

Report accepted.

Senate bill No. [illegible], "[illegible]," read first and second times, and placed on file.

Senate bill No. [illegible], "[illegible]," read first and second times, and placed on file.

Mr. [illegible], by leave, introduced a bill for "[illegible]," [illegible] one thousand eight hundred and fifty-[illegible].

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Phelps in the Chair.

SPECIAL ORDER OF THE DAY.

On motion of Mr. Burton, Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State, was taken from the table, and considered in Committee of the Whole.

Pending which, on motion of Mr. Griffith, the further consideration of the bill was dispensed with, until to-morrow, March eighth, at twelve o'clock, M.

On motion of Mr. Griffith, Senate bill No. 40, "An Act to provide for a sea-wall, or bulk-head, in the City of San Francisco, was taken from file, and made the special order of the day for Tuesday, March eighth, at a quarter to twelve o'clock, A. M.

On motion of Mr. Holden, Senate bill No. 151, "An Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land donated to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning," was taken from file, substitute reported from Committee adopted, read first and second times, rules suspended, and bill considered engrossed.

Pending which, on motion of Mr. Merritt, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

TUESDAY, March 8, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Phelps presented a remonstrance from citizens of San Francisco against the passage of the bill now before the Senate, granting to San Francisco Dock and Wharf Company the right to construct a sea-wall, or bulk-head, in the City and County of San Francisco, and moved that it be made the special order for this day, (March eighth,) at a quarter to twelve o'clock, A. M.

Which was adopted.

On motion of Mr. Burton, Senate bill No. 174, "An Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land donated to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning," was taken from file, and the Secretary authorized to insert an enacting clause.

The bill was then passed.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on this day, at

half-past ten o'clock, A. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 125, "An Act for the release of the sureties on the official bond of Henry Bates, late State Treasurer."

BERRY, Chairman.

Report accepted.

REPORTS.

Mr. McDonald, of the Sacramento delegation, made the following report:

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Assembly bill No. 194, "An Act to fund certain claims against Sacramento County," have had the same under consideration, and report the bill back, without amendment, and recommend its passage.

J. M. McDONALD,
JOHNSON PRICE.

Report accepted, and, with bill, placed on file.

Mr. Bradley, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 169, "An Act fixing the times of holding the Court of Sessions, and County Court, in the County of Shasta, and to change the manner of summoning juries for the County Court of said County;"

Also, Senate bill No. 103, "An Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof," passed April fifteenth, one thousand eight hundred and fifty-eight, and find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Garter, of the Shasta delegation, made the following report:

MR. PRESIDENT:—The delegation from Shasta, to whom was referred Assembly bill No. 183, an Act to fix the time of holding the County Court, and Court of Sessions, in the County of Tehama, and the Court of Sessions, County Court, and the Probate Court, in the County of Colusa, have considered the same, and report the bill back, and recommend its passage.

E. GARTER, for Delegation.

Report accepted, and, with bill, placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the accounts of the Secretary of the Senate, for copying done for the Printer, and into the Journal-book of the Senate, from page four hundred and thirty-seven to four hundred and eighty-seven, inclusive, and beg leave to make the accompanying report of the number of folios copied, and the amounts allowed for the same.

C. E. THOM, Chairman of Committee.

State of California, To E. C. PALMER, Secretary of the Senate, Dr.,

To copying into Senate Journal, from pages 437 to 487, including the last page, 350 folios, at fifteen cents per folio	$52 50
To copying 350 folios for Printer, at ten cents per folio	35 00
To copying Senate bill No. 146, 14 folios, at ten cents per folio	1 40
To copying Senate bill No. 40, 35 folios, at ten cents per folio	3 50
To copying Senate bill No. 150, 6 folios, at ten cents per folio	60
To copying Senate bill No. 127, 8 folios, at ten cents per folio	80
To copying Senate bill No. 161, 10 folios, at ten cents per folio	1 00
To copying Assembly bill No. 35, 6 folios, at ten cents per folio	60
To copying Senate bill No. 109, 6 folios, at ten cents per folio	60
To copying substitute for Senate bills Nos. 24 and 51, 5 folios, at ten cents per folio	50
Total	$96 50

Examined, audited, and allowed.

C. E. THOM, Chairman.
O'FARRELL,
J. BERRY,
GRIFFITH,
Of the Committee on Public Expenditures.

Report accepted, and, with account, placed on file.

Mr. Parker, of the San Francisco delegation, made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Assembly bill No. 82, entitled "An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, one thousand eight hundred and fifty-six," respectfully report the same back to the Senate, with a substitute for the same, and recommend its passage.

S. H. PARKER, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Titus, by leave, introduced a bill for "An Act supplementary to an Act entitled an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, one thousand eight hundred and fifty-four."

Which was read first and second times, and referred to the Committee on Hospitals.

Mr. Thom offered the following Concurrent-Resolutions, which were adopted:

Whereas, There is only a semi-monthly newspaper-mail from San Francisco to the City of Los Angeles, in the southern part of this State; *and whereas*, the wants of the people of that rapidly settling country demand a more frequent interchange of the news items of the day: Now, therefore, be it, by the Senate and Assembly of the State of California,

Resolved, That the Hon. Aaron V. Brown, Postmaster-General of the United States, be petitioned, our Senators instructed, and Members of Congress requested, to use every exertion that may be necessary, to the establishing of a semi-weekly newspaper-mail, by overland, from San Francisco to Los Angeles.

Resolved, That His Excellency, the Governor, be requested to forward a copy of these resolutions to the Hon. Aaron V. Brown, Postmaster-General of the United States, to each of our Senators, and to our Representatives in Congress, at his earliest convenience.

On motion of Mr. Redman, Senate bill No. 115, "An Act to incorporate the City of San José," was taken from the file, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 103, "An Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight," was taken up.

CALL OF THE SENATE.

Pending which, Mr. Berry moved a call of the Senate.

Which was adopted.

Roll called.

Absent—Messrs. Burton, Griffith, Merritt, O'Farrell, and Williams.

Sergeant-at-Arms dispatched for absentees.

Mr. Burton appearing at the bar of the Senate, was admitted.

Mr. O'Farrell appearing at the bar of the Senate, was admitted.

Mr. Griffith appearing at the bar of the Senate, was admitted.

Mr. Ballou moved that further proceedings under the call be dispensed with.

Lost.

Mr. Merritt appearing at the bar of the Senate, was admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

On motion of Mr. Parker, Mr. Williams was granted leave of absence, for two days.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Berry, Lansing, and Merritt, and taken, with the following result: ayes, 18—noes, 16:

Ayes—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Hamm, Holden, Lansing, Merritt, Phelps, Quinn, Redman, and Wheeler—18.

Noes—Messrs. Allen, Ballou, Grant, Gregory, Griffith, Hart, Ketcham, Kirkpatrick, McDonald, O'Farrell, Pacheco, Parks, Parker, Price, Thom, and Titus—16.

So the bill passed.

GENERAL FILE.

Senate bill No. 107, "An Act defining the duties of the Surveyor-General of this State, in relation to swamp and overflowed lands," taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Senate bill No. 129, "An Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation," was taken up, and the recommendation of the Judiciary Committee, to refer to the Committee on Public Printing, was adopted.

Senate bill No. 102, "An Act to amend an Act entitled an Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty, was considered in Committee of the Whole.

Pending which, the hour having arrived for the

SPECIAL ORDER OF THE DAY,

Senate bill No. 40, an Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco," was taken up, amendments of Committee adopted.

Mr. Burton in the Chair.

Pending which, Mr. Burch moved that the Senate do now adjourn.

Which was lost.

On motion of Mr. Anderson, the bill was made the special order of the day for Wednesday, March ninth, at half-past eleven o'clock, A. M.

FURTHER SPECIAL ORDER.

Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada," was taken up, and, on motion of Mr. Dickinson, made the special order of the day for Friday, March eleventh, at one-quarter to twelve o'clock, A. M.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary.

IN SENATE.

WEDNESDAY, March 9, 1859.

Senate met, pursuant to adjournment.

The President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Burton presented account of R. P. Lee, Jr., for services rendered in examining the accounts of S. A. McMeans, late State Treasurer, and moved its reference to the Committee on Contingent Expenses.

Which was adopted.

Mr. Williams presented a memorial from a meeting of mechanics in the City of San Francisco, protesting against the passage of the bulk-head bill, now before the Senate.

Memorial made the special order of the day, for half-past eleven o'clock, A. M.

PETITIONS.

Mr Burch presented a petition from citizens of South Fork Township, County of Trinity, relative to hogs running at large, in said County.

Which was referred to the delegation from that County

Mr Gregory presented a petition from citizens of Sonoma and Mendocino Counties, relative to levying a special tax, in said Counties, for road purposes

On motion of Mr O'Farrell, the petition was laid on the table.

REPORTS.

Mr Garter, Chairman of the Committee on Claims, made the following report:

Mr President:—Your Committee on Claims, to whom was referred the claim of Peter H Burnett, for services as a Justice of the Supreme Court, report the same back, with the accompanying bill, and recommend the passage thereof.

E GARTER, Chairman.

I dissent from the opinion of the majority of the Committee; I believe the claim should not be allowed.

E. F. BURTON.

Report accepted, and, with bill, placed on file.

Also, the following report:

Mr President:—Your Committee on Claims, to whom was referred the claim of James Thompson, for balance due him for transporting prisoners from Los Angeles County to San Quentin, have directed me to report the same back, and recommend it be rejected

E. GARTER, Chairman.

Report accepted

Senate bill No 176, "An Act making an appropriation for the purpose of paying Peter H Burnett for back salary due him as Justice of Supreme Court," was read first and second times, and placed on file

Mr Merritt, Chairman of the Committee on Finance, made the following report:

Mr President:—The Finance Committee, to whom was referred Assembly bill No 173, entitled "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved April twenty ninth, one thousand eight hundred and fifty-seven," have had the same under consideration, and recommend that the same be indefinitely postponed, for the reasons, that in many Counties of the State the tax has already been levied

Also, Senate bill No 143, "An Act amendatory of an Act entitled an Act to regulate fees in office in certain Counties of this State," approved April twenty eighth, one thousand eight hundred and fifty-seven, and recommend its passage.

Also, Senate bill No 72, "An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose," approved April

twenty-eighth, one thousand eight hundred and fifty-seven, and recommend its passage.

Also, Senate bill No. 152, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax to be levied and collected from foreign and inland bills, and other matters," approved April twenty-ninth, one thousand eight hundred and fifty-seven, and recommend its passage.

Also, Senate bill No. 90, "Act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State," and recommend its passage.

MERRITT, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Bradley, Chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The Committee on Military Affairs have had under consideration Senate bill No. 116, "An Act entitled an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties of this State, approved April twenty-fifth, one thousand eight hundred and fifty-seven—approved March thirtieth, one thousand eight hundred and fifty-eight;"

Also, Senate bill No. 149, "An Act to amend an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties of this State, approved April twenty-fifth, one thousand eight hundred and fifty-seven;"

And report the same back to the Senate, with a substitute for both bills, and a majority of the Committe recommend the passage of the substitute.

B. T. BRADLEY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 59, "An Act amendatory and supplementary to an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 174, substitute for Senate bill No. 151, an Act supplementary to an Act approved February seventh, one thousand eight hundred and fifty-nine, entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight;

Also, Senate Concurrent-Resolution No. 29, "relative to the establishment of a semi-weekly mail from San Francisco to Los Angeles;"

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and bills placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the seventh instant, passed Assembly bill No. 165, an Act to grant the right to construct and maintain a dam and locks across Napa Creek.

Also, Assembly bill No. 193, an Act supplemental to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine.

Also, on the eighth instant, Senate bill No. 59, an Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the registration of marriages, births, divorces, and deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 237, an Act supplementary to an Act to regulate fees of offices, approved April tenth, one thousand eight hundred and fifty-five.

And, also, Assembly bill No. 190, an Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon.

MARCH 9, 1859. C. GILMAN, Clerk.

Assembly bill No. 165, "An Act to grant the right to construct and maintain a dam and locks across and in Napa Creek, taken up, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 193, "An Act supplemental to an Act entitled an Act to amend an Act to regulate proceedings in civil cases," passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 237, "An Act supplementary to an Act to regulate fees of office," approved April tenth, one thousand eight hundred and fifty-eight, read first and second times, and referred to the delegation from Tuolumne County.

Assembly bill No. 190, "An Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon," read first and second times, and referred to the San Francisco and San Mateo delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 8, 1859.

To the Senate of California:

I have to inform you that I did, on yesterday, the seventh instant, ap-

prove "An Act concerning the office of Sheriff, in and for the Counties of Solano and Contra Costa."

JOHN B. WELLER.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly, on yesterday, passed the following bills:

Senate bill No. 56, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, with amendments;

Assembly bill No. 66, an Act to alter and define the boundary-line of Tehama County;

Assembly bill No. 154, an Act authorizing Charles B. Ryder to construct a wharf at Trinidad Bay, in Klamath County;

Assembly bill No. 161, an Act fixing the salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act;

Assembly bill No. 163, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight;

Assembly bill No. 164, an Act to provide for the establishment of a a State-prison Library;

Assembly bill No. 196, an Act to change the name of Jacob Schlechwey to that of Jacob Robinson;

Assembly bill No. 188, an Act to prevent stallions from running at large in the County of Sacramento;

Assembly bill No. 192, substitute for Senate bill No. 16, an Act to legalize the acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State;

Assembly bill No. 228, an Act to authorize the County Recorder of the County of Tehama to transcribe certain records, in the Counties of Colusa, Shasta, and Butte;

Assembly bill No. 229, an Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt and the construction of roads, and to provide for the payment of the said bonds;

Also, concurred in Senate amendments to Assembly bill No. 65, an Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight;

Also, concurred in Senate amendments to Assembly bill No. 87, an Act to define the boundaries and provide for the organization of Mendocino County;

Also, concurred in Senate Concurrent-Resolution No. 19, relative to allowing Joint Committee on accounts of S. A. McMeans, late State Treasurer, a Clerk;

And indefinitely postponed Senate bill No. 41, an Act in relation to the

assignment of rights in action, and evidence of such assignment, and notice thereof.

C. GILMAN, Clerk.

MARCH 8, 1859.

Assembly bill No. 56, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one," was taken up, and, on motion of Mr. Wheeler, laid on the table.

Assembly bill No. 66, "An Act to alter and define the boundary-lines of Tehama County," read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 154, "An Act authorizing Charles B. Ryder to construct a wharf at Trinidad Bay in Klamath County," read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 161, "An Act fixing the salaries of the County Judge of San Bernardino County, and the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act," read first and second times, and referred to the delegation from that District.

Assembly bill No. 163, "An Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight," read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 164, "An Act to provide for the establishment of a State-prison Library," read first and second times, and placed on file.

Assembly bill No. 196, "An Act to change the name of Jacob Schlechwey, to that of Jacob Robinson," read first and second times, and placed on file.

Assembly bill No. 188, "An Act to prevent stallions from running at large in the County of Sacramento," read first and second times, and referred to the Sacramento delegation.

Assembly bill No. 192, substitute for Senate bill No. 16, "An Act to legalize the acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 228, "An Act to authorize the County Recorder of the County of Tehama to transcribe certain records in the Counties of Colusa, Shasta, and Butte," read first and second times, and referred to the delegation from that District.

Assembly bill No. 229, "An Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt, and the construction of roads, and to provide for the payment of the said bonds," read first and second times, and referred to the delegation from that District.

SPECIAL ORDER OF THE DAY.

Senate bill No. 40, "An Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco," was taken up.

Pending the discussion, Mr. Merritt moved that the bill be made the special order for Wednesday, March sixteenth, at half past eleven o'clock, A. M.

Which was adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

OFFICE BOARD OF EXAMINERS,
Sacramento, March 9, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, the claims which have been passed upon by the Board of Examiners, together with the original papers and opinions of the Board in each case, to wit:

Adam Schuppert against the State	$1,344 31
T. R. Eldredge against the State	504 37
Total	$1,848 68

JOHN B. WELLER,
President Board of Examiners.

Message, with accompanying papers, referred to the Committee on Claims.

Mr. Ballou moved that the Senate do now adjourn, upon which, the ayes and noes were demanded, by Messrs. Dickinson, Merritt, and Kirkpatrick, with the following result: ayes, 16—noes, 11:

AYES—Messrs. Allen, Baker, Ballou, Berry, Burch, Garter, Grant, Hamm, Holden, Lansing, O'Farrell, Pacheco, Parks, Parker, Thom, and Williams—16.

NOES—Messrs. Burton, Dent, Dickinson, Gregory, Griffith, McDonald, Merritt, Phelps, Quinn, Redman, and Titus—11.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

THURSDAY, March 10, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Thom asked and obtained leave of absence, for Mr. Pacheco, for one day, on account of sickness.

Mr. Thom, by leave, presented the accounts of the Attorney-General, and moved that they be referred to the Committee on Public Expenditures.

Which was adopted.

Mr. Grant, from the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The Special Committee, of the delegation from the Counties of San Francisco and San Mateo, to whom was referred Assembly bill No. 190, "An Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon," have had the same under consideration, and report the same back to the Senate, and recommend its passage, without amendment.

GILBERT A. GRANT, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, reported the account of R. P. Lee, Jr., as correct, for services as Clerk to the Joint Committee appointed to examine the accounts of S. A. McMeans, late State Treasurer.

On motion of Mr. Burton, the report was adopted.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 171, "An Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State;"

Also, Senate bill No. 162, "An Act regulating the salaries of certain County officers, in Sonoma County;"

Have had the same under consideration, and report the same back, with the recommendation that both bills pass.

Senate bill No. 168, "An Act amendatory and explanatory of a portion of the Acts to provide revenue for the support of the Government of this State," have had the same under consideration, and report the bill back, amended, with the recommendation that it pass, as amended:

Amend by striking out, in section one, line twenty-five, the words "three hours," and insert, in lieu thereof, the word "two." Also, amend by striking out section two.

Senate bill No. 163, "An Act to authorize J. Granville Dall to convey water into the Town of Red Bluff, by means of pumps and pipes," your Committee have had the same under advisement, and report the bill back, amended, and recommend its passage, as amended:

Amend section three, line one, by inserting, after the word "said," the word "Town."

Senate bill No. 166, "An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State," have had the same under consideration, and report the bill back, with a recommendation of a majority of the Committee, that the bill pass.

Senate bill No. 150, "An Act providing for the payments of judgments against the several Counties and Cities of this State," and exempting from forced sale, under execution, or other process, all the real and personal property belonging to any County or City of this State," your Com-

mittee have had the same under advisement, and report the bill back, with a recommendation that it be indefinitely postponed.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Thom, from a Special Committee, made the following report:

Mr. President:—Your Special Committee, to whom was referred Assembly bill No. 161, "An Act fixing the salaries of the County Judge of San Bernardino County, of the District-Attorney of said County, and repealing all former Acts inconsistent with the provisions of this Act," have had the same under consideration, and beg leave to report the bill back to the Senate, without amendment, and recommend its passage.

THOM, Committee.

Report accepted, and, with bill, placed on file.

REPORT OF SPECIAL COMMITTEE ON THE ACCOUNTS OF S. A. McMEANS.

Mr. Burton, Chairman of the Special Joint Committee on part of the Senate, appointed to examine the accounts of S. A. McMeans, late State Treasurer, made the following report:

Mr. President:—The Joint Committee, appointed to examine the accounts of ex-Treasurer McMeans, submit the following report:

The Committee appointed Mr. R. P. Lee as Clerk, and requested him to prepare a statement from the Treasurer's books, showing the condition of the books, in periods corresponding with the Treasurer's Reports to the Legislature, and, as the result of his investigation, he presents the following statement:

General Account from January 2, 1854, to June 30, 1854, as taken from the Books of Ex-Treasurer S. A. McMeans.

Cash balance received from Major Roman	$176,859 71
Cash received for taxes	203,614 45
Cash received for State property sales	53 00
Warrants received for State property sales, which McMeans does not call State property, being the 25 per cent. on San Francisco payment, Act of March 26, 1853	50,000 00
Warrants received as cash, for taxes	5,098 86
This footing is for comparison with tabular statement	$435,617 02
Warrants and Bonds received for State property sales	89,028 11
Certificates of Balance issued	6,926 40
State-Prison Bonds, issued under Act of 1853	8,500 00
School-Land Warrant issued	640 00
Discount on Bonds redeemed below par	210 00
Coupons deducted from payments	192 50
Total debit, per Books, to June 30, 1854	$541,114 03

In Appendix to Senate Journal, 1855, Mr. McMeans reports his receipts, per tabular statement, including Roman's balance	$431,532 19
Receipts for State property sales	191,978 90
Certificates of Balance issued	6,926 40
State-Prison Bonds issued	8,500 00
School-Land Warrant issued	731 00
Total debit, per Report, to June 30, 1854	$639,668 49

This reported amount, $431,532 19, includes the $50,000, as accounted for separately by the books, making the $191,978 90, reported received for State property sales, more, by $102,950 79, than can be found on the books; and the receipts for school-land warrants, $731, charged in report, should be $640, as certificate of balance given for the difference, $91, is already charged with the $6,926 40, making the $91 twice charged in the report. You will see that the reported receipts, per tabular statement, fall short of the receipts as shown by the books, $4,084 83, although derived from the same source.

Expenditures from January 2, 1854, to June 30, 1854, as are shown by the Treasurer's Books.

Bonds redeemed	$77,500 00
Interest on Bonds	58,835 00
Certificates of Balance redeemed	324 25
Warrants on different Funds redeemed by cash	207,791 02
Warrants on hand, received for State property, etc	105,135 45
Cash balance on hand	91,528 31
Total expenditures to June 30th, 1854	$541,114 03

In Appendix to Senate Journal, one thousand eight hundred fifty-five, Mr. McMeans reports his expenditures from January second, one thousand eight hundred and fifty-four, to June thirtieth, one thousand eight hundred and fifty-four:

Bonds redeemed and Interest paid	$131,900 66
Certificates of Balance redeemed	2,562 04
Treasurer's Receipts for State property received	29,256 47
Warrants redeemed on different Funds	387,209 46
Cash balance on hand	88,739 86
Total expenditures to June 30th, 1854	$639,668 49

Mr. McMeans' book-account of bonds and interest paid, exceed the reported amount by $4,434 34, and the book-account of warrants redeemed falls short of the reported amount by $74,282 99. The book-account of

certificates of balance redeemed falls short of the reported amount by $2,237 79. The cash balance reported is less than the amount shown by Mr. McMeans' cash-book, which agrees with Mr. Lee's report, by $2,788 45, viz.: $91,528 31.

General Account from July 1, 1854, to June 30, 1855, as taken from the Books of Ex-Treasurer McMeans.

Cash Balance, from June 30th, 1854	$91,528 31
Cash received for Taxes	763,865 14
Cash received for State property sales	3,869 84
Warrants received for Taxes	178,563 58
(This is for comparison with Tab. Statement $1,003,340 21.)	$1,037,826 87
State property Receipts—Warrants, Bonds, and Treasurer's Receipts	208,567 56
Certificates of Balance issued	47,441 40
Discount on Bonds redeemed below par	265 00
Coupons deducted from Bonds	1,312 50
Bonds issued under Acts of 1851 and 1852	1,100 00
Total debit, per Books, to June 30, 1855	$1,296,513 33
In Appendix to Senate Journals, 1856, Mr. McMeans reports his Receipts, per Tabular Statement, July 1, 1854, to June 30, 1855	$1,003,340 21
State property Receipts	202,448 21
Certificates of Balance issued	13,898 96
Bonds issued under Act of 1852	1,100 00
Total debit, per Reports, to June 30, 1855	$1,220,787 38

In said Tabular Statement of receipts, for fiscal year ending thirtieth June, one thousand eight hundred and fifty-five, Mr. McMeans includes cash balance in Treasury July first, one thousand eight hundred and fifty-four, $50,517 23, when his report, ending June thirtieth, one thousand eight hundred and fifty-four, says it is $88,739 86, and his Cash-book shows a balance of $91,528 31, making him drop the amount of $41,011 08, which does not appear to have been entered at any time after.

And, included in said Tabular Statement, is $9,999 27, received for State property, which, added to the $202,448 21, would make the total State property receipts, for that period, $212,447 48, being only $10 08 more than can be found on the books. This $10 08 is entered in Tabular Statement as "Balance of State property," under date of April twentieth, one thousand eight hundred and fifty-five. Also, included in said Tabular Statement, are two transfers from one fund to another, of $433 67, which should not have been entered as receipts.

The total receipts, per book-account, for the fiscal year ending June thirtieth, one thousand eight hundred and fifty-five, exceed those reported by Mr. McMeans, $75,723 95. The balance of cash, July first, one thousand eight hundred and fifty-four, exceeds the reported balance of June thirtieth, one thousand eight hundred and fifty-four, by $2,788 45,

and the reported balance of July first, one thousand eight hundred and fifty-four, by $41,011 08. The certificates of balance, issued as per margins, or stub-book, exceed the reported issue by $33,542 44. The $700,000 bonds, issued under Act of one thousand eight hundred and fifty-five, are not taken into consideration in this statement.

The amount of expenditures from July 1, 1854, to June 30, 1855, as per the Treasurer's books:

Warrants redeemed by cash, taxes, State property, etc.	$806,179 42
Audited Accounts received for State property	35,562 65
Treasurer's Receipts received for State property	529 50
Bonds redeemed	179,725 00
Interest paid	120,118 47
Certificates of Balance redeemed	20,269 71
Cash balance on hand, June 30, 1855	134,128 58
Total Expenditure, by Books, to June 30, 1855	$1,296,513 33

In Appendix to Senate Journal, 1856, Mr. McMeans reports his expenditures from July 1, 1854, to June 30, 1855:

Bonds redeemed	$135,028 35
Interest paid	114,437 40
Warrants redeemed	818,075 67
Certificates of Balance redeemed	17,691 95
Treasurer's Receipts	529 00
Cash balance on hand	135,024 56
Total Expenditure, by Reports, to June 30, 1855	$1,220,786 93

You will perceive that the total credits reported by Mr. McMeans, fall short of the amount of credit found upon his books by $75,726 40, in the following manner:

Warrants and Audited Accounts by Books, exceed reported amount	$23,666 40	
Bonds redeemed by Books exceed reported amount	44,696 65	
Interest paid by Books, exceed reported amount	5,681 07	
Certificates of Balance by Books, exceed reported amount	2,577 76	
Treasurer's Receipts by Books, exceed reported amount	50	
	$79,622 38	
And Book-account of cash balance, less than reported amount	895 98	
This gives the detail of Book excess of credit		$75,726 40

In Appendix to Assembly Journal, 1856, Mr. McMeans makes an "Abstract of Receipts into, and Expenditures out of, the State Treasury, from July 1, 1855, to December 22, 1855."

RECEIPTS.

Balance in Treasury	$136,531 54
Receipts in July	129,562 48
Receipts in August	17,716 59
Receipts in September	15,741 32
Receipts in October	93,063 76
Receipts in November	37,812 49
Receipts in December	11,046 64
Total	$441,474 82

EXPENDITURES.

Paid in July	$99,205 87
Paid in August	32,558 54
Paid in September	34,175 11
Paid in October	153,099 38
Paid in November	33,070 81
Paid in December	28,887 35
Cash Balance	60,447 76
Total	$441,474 82

The Receipts and Expenditures from July 1, 1855, to December 22, 1855, as taken from McMeans' books, are as follows:

RECEIPTS.

Balance of Cash	$134,128 58
Received in July	113,322 48
Received in August	17,716 59
Received in September	15,741 32
Received in October	93,063 76
Received in November	37,800 82
Received in December	11,046 64
Total	$422,820 19

EXPENDITURES.

Paid in July	$84,222 31
Paid in August	29,795 12
Paid in September	34,175 11
Paid in October	153,099 38
Paid in November	33,059 14
Paid in December	28,887 35
Cash Balance	59,581 78
Total	$422,820 19

You will notice, the abstract made by Mr. McMeans exceeds the one taken from the books, by $18,654 63, which is accounted for in this manner:—Mr. McMeans calls his cash balance more than it appears, by $2,402 96, (and more than his last reported balance, June 30, 1855, by $1,507 00;) also, includes a transfer of funds in July, $16,240, and in November, $11 67, both in receipts and expenditures, which should not have been included in either—making the difference of $18,654 63, as per totals of the abstracts. But, by taking the credits for the months in which the money was paid, (aside from the transfers,) McMean's July credit would be less than the book-account, by $1,256 44, and August credit would exceed the book-account, by $2,763 42. The cash balance would exceed book-account, by $895 98.

RECAPITULATION OF DIFFERENCES.

Books exceed the Reports to June 30, 1854.

Receipts—Nothing.	
Expenditures—Bonds and Interest	$4,434 34
Certificates of Balance	2,788 45
Total	$7,222 79

To June 30, 1855.

Receipts—Cash balance	$41,011 08
Certificates of Balance issued	33,542 44
Discount and Coupons deducted	1,170 43
Total	$75,723 95
Expenditures—Warrants redeemed	$23,666 40
Bonds and Interest redeemed	50,377 72
Certificates of Balance redeemed	2,577 76
Total	$76,621 88

Reports Exceed the Books, to June 30, 1854.

Receipts—State Property	$102,950 79
Land Warrant	91 00
Tabular Statement	4,084 83
Total	$107,126 62
Expenditures—Warrants redeemed	$74,282 99
Certificates of Balance redeemed	2,237 79
Total	$76,520 78

To June 30, 1855.

Receipts—State Property	$10 08
Transfers	433 67
Total	$443 75
Expenditures—Cash Balance	$895 98
Total	$895 98

As Mr. McMeans made no report since June 30, 1855, (simply an abstract of cash from July 1, 1855, to December 22, 1855,) it will be necessary to compare the books with the reports to June 30, 1855.

RECEIPTS.

Book-account of Receipts to June 30, 1854	$541,114 03
Book-account of Receipts to June 30, 1855	1,204,985 02
Total	$1,746,099 05

EXPENDITURES.

Book-account of Expenditures to June 30, 1854	$449,585 72
Book-account of Expenditures to June 30, 1855	1,162,384 75
Book-account of Cash Balance to June 30, 1855	134,128 58
Total	$1,746,099 05

RECEIPTS.

Reported account of Receipts to June 30, 1854	$639,668 49
Reported account of Receipts to June 30, 1855	1,170,270 15
Total	$1,809,938 64

EXPENDITURES.

Reported account of Expenditures to June 30, 1854	$550,928 63
Reported account of Expenditures to June 30, 1855	1,085,762 82
Reported account of Cash Balance to June 30, 1855	135,024 56
Total	$1,771,716 01

You will observe that Mr. McMeans, by his own reports, to June 30, 1855, was deficient $38,222 63, although his report of receipts exceed the book-account by $63,839 59, and his report of expenditures exceed the book-account by $24,720 98.

After making up the accounts and posting them into the Ledger, (a book not used in the ex-Treasurer's office.) it was found necessary to make up a general account, as the books did not contain all the receipts by $102,508 23, nor all the expenditures by $132,032 57;—the total debit for the whole term being, by general account, $2,853,570 17, and by the book-account, $2,751,061 94; the total credit, by general account, $2,834,604 83, and by the book-account, $2,702,572 26. The bonds redeemed, as per vouchers, exceed the register-account by $5,000, and the book-account by $111,500. The warrants redeemed, as per vouchers, exceed the register-account by $96,884 77, and the book-account by $75,869 41. There seems to have been no record of certificates of balance issued, other than the margins, or stub-book; and no account made of those redeemed, (except one paid June 2, 1854—$324 50.)

Regarding the receipts per Controller's order, the gross amounts agree with the Controller, but many discrepancies occur as to what proportion was cash, and what amount warrants.

The Interest Fund accounts, State-prison Interest, Sinking Fund, School Fund, Governor's Contingent, Estates of Deceased Persons, and War Fund, agreed with the Ledger-balances on the first of July, 1855; the other accounts differ.

In Mr. McMeans' reports, (June 30, 1854—$29,256 47; June 30, 1855—$529 59,) he charges, as expenditures, certain Treasurer's receipts as an offset for having received the same as cash for State property sales. According to the evidence taken before the Committee of the Legislature of 1856, it appears that these receipts were issued and signed by Major Roman, (the predecessor of Mr. McMeans,) for money paid into the treasury for State property purchased at land-sales in San Francisco. The question is, if Major Roman issued those receipts for purchase-money, and the parties did not choose to get their deeds of property, and preferred to wait for another sale to get property more to their interest, why were not Major Roman's receipts as good at the Land Commissioner's office, for deeds,

as Mr. McMeans'—they being valid receipts for money paid for State property? The next point is, had Mr. McMeans any right to receive and debit them as cash, and then to credit them to cash, as if he had not received them at all? And how did he know—as it seems by the evidence he did not—simply took it for granted—that there were not deeds already issued upon the same receipts, and by practice of fraud by some one, deeds might be issued to other parties upon the same amount of money that had originally been paid to Major Roman? It appears that in March, 1855, Major Love, one of the Land Commissioners, or Agent, borrowed those receipts of Major Roman's from Dr. McMeans, to enable him to adjust his books, and gave the following receipt, to wit:

Received, Sacramento, March 3, 1855, from S. A. McMeans, Treasurer of State, the following Treasurer's returned receipts for State property:

S. C. Hastings	$433 50
Wm. H. White	5 07
W. H. Middleton	1,000 00
Selover & Sinton	2,503 40
Selover & Sinton	2,748 00
Palmer, Cook & Co	23,000 00
Total	$29,689 97

In the aggregate, twenty-nine thousand six hundred and eighty-nine dollars and ninety-seven cents, which I promise to return, whenever required.

(Signed,) JOHN S. LOVE,
California Land Commissioner.

Mr. G. W. Gift, Clerk for Dr. McMeans, makes a statement as follows:

"Major Love will remember that he obtained from Dr. McMeans, through me, certain returned certificates, or receipts, signed by Major Roman and Dr. McMeans, for money paid on account of State property. These receipts were receipted for by Dr. McMeans in the same manner as if they had been cash, and the second receipt, in the hands of a second or third party, went to the Land Commission, and deeds were issued upon the same, consequently you will easily perceive that these receipts are charged to Dr. McMeans twice. Major Love should return those receipts, and credit Dr. McMeans with the amount.

(Signed) GEORGE W. GIFT.

SACRAMENTO, December 27th, 1855.

By the evidence before the Committee of one thousand eight hundred and fifty-six, two of the items in said receipt of Love, viz.: Selover and Sinton, $2,748, and Palmer, Cook & Co., $23,000, making $25,748, are found credited on Major Roman's books, as paid on December twenty-eighth, one thousand eight hundred and fifty-three, and by reference to the Land Commissioner's books, this amount, $25,748, is credited "paid

Treasurer," and at the foot of the Ledger-entries is written: "These lots deeded to J. C. Palmer."

This shows that that amount was deeded upon Major Roman's receipts, if no more, and, by the statement of Mr. Gift it would appear that the second receipt went to the Land Office, "and deeds were issued upon the same."

Now, this is very evident, that if the receipts for the same money were used twice, the State has lost that amount of State property, the fault of which seems to lie between the Land Commissioners and Dr. McMeans.

It appears that a certificate of balance was issued on the twenty-ninth of May, one thousand eight hundred and fifty-five, to one A. J. Butler, for $12,982, which is not on hand, neither is there any evidence of its having been destroyed by any Committee. Butler filed an affidavit with Attorney-General Williams, stating that he had not disposed of the certificate in any manner, and that he was under the impression that it was paid to him a few days after its issuance, either in warrants, bonds, or cash.

On the fourth of December, 1855, Mr. McMeans paid Palmer, Cook & Co. the following bill, to wit:

State of California, To PALMER, COOK & CO., DR.,

For three per cent. exchange on $6,993 80, coupons paid in New York, from January 1, to December 31, 1852	$209 81
For three per cent. exchange on $44,184 89, coupons paid in New York, from January 1, to December 31, 1853	1,325 55
For three per cent. exchange on $160,451 68, coupons paid in New York, from January 1, to December 31, 1854	4,813 55
For three per cent. exchange on $102,378 22, coupons paid in New York, from January 1, to October 30, 1855	3,071 35
For three per cent exchange on $109,000, bonds due March 1, 1855, and redeemed in New York	3,270 00
For three per cent. exchange on $86,000, remitted to New York, to pay interest due January 1, 1856	2,580 00
Total	$15,270 26

I certify the above amount to be just and true.

(Signed,) S. A. McMEANS, State Treasurer.

STATE TREASURER'S OFFICE, Sacramento, Dec. 13, 1855.

Pay the above amount to Palmer, Cook & Co.

(Signed,) SAM. BELL, Controller of State.

From the evidence before the Committee of the Legislature of 1856, it appears that "no contract or agreement, between Major Roman and Palmer, Cook & Co., is on file among the papers in our possession, showing an obligation to pay exchange. The contracts and agreements of Dr. McMeans with Palmer, Cook & Co. are concise, and explicitly drawn for each amount forwarded during his term of office. Only one specifies that

exchange shall be paid, viz.: that for the remittance of $110,300 00, to meet the principal and interest of bonds falling due in New York, March 1, 1855, agreeing to pay three per cent. on the amount. The others specify, that in the event the amount paid them should not be sufficient to meet the interest called for in full, they shall advance the sum necessary, and receive interest thereon, at the rate of ten per cent. per annum, until reimbursed."

On the second of January, 1856, is charged on Dr. McMeans' books: "amount refunded Selover & Sinton, $31,300;" for said amount, they had a receipt dated October 30, 1854, of which the following is a copy, to wit:

[This receipt to be returned on delivery of deeds.]

No. ——— San Francisco, Oct. 30, 1854.

Received, of Selover & Sinton, $31,300, on account of the interest of the State of California in water property, sold on the 26th day of October, 1854, under the provisions of an Act of the Legislature, approved May 18, 1853, which amount has been paid in the following described funds, to wit:

Seven Per Cent. Bonds.....	
Interest thereon.....	
Temporary State Loan Bonds.....	
Interest thereon.....	
Controller's Warrants, $31,300 00.....	$31,300 00
Cash.....	
	$31,300 00
Lots, Nos.....	
.....	

(Signed,) S. A. McMEANS, State Treasurer.

Copy of Selover & Sinton's receipt to Dr. McMeans, is as follows, to wit:

San Francisco, December 29, 1855.

S. A. McMeans, Treasurer of State, has this day returned to us the sum of $31,300, being balance in full due us upon final settlement of moneys received by us for water-lot property, sold during the year 1854, and January, 1855, said sum having been overpaid said McMeans by us.

(Signed,) SELOVER & SINTON.

After taking the most favorable view of the accounts of Dr. McMeans, as made by using all the vouchers and charges claimed by him, there is a deficit of $18,965 34, at the end of his term. And, by his own Reports, made up to the first of July, 1855, there is a deficit of $38,222 63; and by adding to the deficit, per general account, at the end of the term, viz., $18,965 34, those amounts that we consider illegally paid by Dr. McMeans, will make a total deficit as follows:

The Treasurer's returned receipts	$29,785 47
A. J. Butler's certificate of balance	12,982 00
Palmer, Cook & Co., exchange	15,270 26
Selover & Sinton, refunded	31,300 00
Deficit	18,965 34
	$108,303 07

I do solemnly swear that the aforegoing transcripts, accounts, and comparisons, made by me, are correct and true copies of the books and reports of ex-Treasurer McMeans.

R. P. LEE, Jr.

Sworn and subscribed before me this day, March 9, 1859.

E. F. BURTON, Chairman.

It will be seen by the foregoing statement, that Mr. McMeans' books show a deficit of eighteen thousand nine hundred and sixty-five dollars and thirty-four cents, and, in addition to that amount, the sum of eighty-nine thousand eight hundred and thirty-seven dollars and seventy-three cents, being money paid, in the opinion of your Committee, without authority, and in direct violation of law.

They do not doubt that the money had been paid over, as shown by the books, but by reference to the law concerning Treasurer of State, Woods' Digest, page seven hundred and nine, Article three thousand, three hundred and ninety-three, section four, and page seven hundred and nine, Article three thousand four hundred and one, section one—it will be seen that the Treasurer of State had no authority to pay out moneys, except upon the warrant of the Comptroller; and by reference to Wood's Digest, page ninety-four, Article three hundred and twenty, section six, it will be seen that the Controller "is prohibited from drawing his warrant upon the treasury, unless there be an unexhausted specific appropriation to meet the same."

Any deviation from the above is in violation of law, and tends to destroy the checks that are thrown around the treasury, by means of the Controller's office.

As to the solvency of the bonds given by Dr. McMeans, the Committee can not venture an opinion, but submit a resolution, directing the Attorney-General to commence suits against them, and test their validity in Court.

All of which is respectfully submitted.

E. F. BURTON,
GEO. W. DENT, } Of Senate.
S. A. BALLOU,

A. A. HILL,
W. R. ARMSTRONG, } Of Assembly.
C. W. LIGHTNER,

Resolved. By the Senate, the Assembly concurring, that the Attorney-General be directed to commence suits against the late State Treasurer,

Selden A. McMeans, and his sureties, for the amounts shown by the books, as written up by Mr. R. P. Lee, Jr., and now in the possession of the Attorney-General.

Report accepted, and, placed on file.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

Mr. President:—Your Committee on Claims, to whom was referred the claim of Richard Savage, for balance due him as Journal-Clerk of the Assembly, of the Ninth Session, A. D. one thousand eight hundred and fifty-eight;

And the claim of J. T. Ewing, for services as Assistant Secretary of the Senate, from the twenty-seventh day of April, to the twenty-sixth day of May, A. D. one thousand eight hundred and fifty-eight;

And the claim of Cyril Hawkins, being balance due him for completing Journals of the Ninth Session, A. D. one thousand eight hundred and fifty-eight;

And the claim of F. S. McKenzie, for services as State-prison Director for the months of January, February, and March, A. D. one thousand eight hundred and fifty-seven;

And the claim of Alexander Bell for services as State-prison Director for the month of January, February, and March, A. D. one thousand eight hundred and fifty-seven;

And the claim of Thos. N. Cazneau, for services as Secretary of the Senate from the twenty-seventh day of April to the twenty-sixth day of May, A. D. one thousand eight hundred and fifty-eight;

And the claim of J. W. Scobey, for balance due him for services rendered as Chief Clerk of the Assembly, A. D. one thousand eight hundred and fifty-eight;

And the claim of J. N. Bingay, for balance due him as Assistant Clerk of the Assembly, A. D. one thousand eight hundred and fifty-eight;

And the claim of J. S. Gillan, as Warrant Clerk in Controller's office in the months of January, and February, A. D. one thousand eight hundred and fifty-eight;

And the claim of H. H. Whitman, for back salary as Clerk to Controller for the months of March, April, May, and June, A. D. one thousand eight hundred and fifty-eight;

And the claim of Chas. D. Cushing, being balance due for services rendered as Page of the Legislature, Ninth Session, A. D. one thousand eight hundred and fifty-eight;

And the claim of Daily Bee, for papers furnished Senators and Assemblymen during the session of the Legislature, A. D. one thousand eight hundred and fifty-eight;

And the claim of E. G. Moreto, for furnishing the Eco del Pacifico to Senators, A. D. one thousand eight hundred and fifty-seven;

And the claim of Austin E. Smith, for Temporary State Loan Bond, No. 645, with interest to January first, one thousand eight hundred and fifty-three;

And the claim of Wm. H. Crowell, for Clerk's fees in the Seventh Judicial Court in the County of Sonoma, A. D. one thousand eight hundred and fifty-seven;

And the claim of J. M. Anderson, for copying, indexing, and punctuating the Journals of the Sixth Session of the Legislature;

And the claim of R. P. Lee, for examination of the books of Ex-Trea-

surer, S. A. McMeans, in the year one thousand eight hundred and fifty-eight;

Have had the same under consideration, and report same back, with the following bill, and recommend its passage;

Also, the claim of A. Miller for services as cook to the Insane Asylum, one thousand eight hundred and fifty-eight.

E. GARTER, Chairman.

Report accepted, and, with bills, placed on file.

REPORTS.

President *pro tem.* in the Chair.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, on this day, at ten and a half o'clock, A. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 76, "An Act concerning Agricultural Societies;"

Also, Senate bill No. 124, an Act amendatory of, and supplementary to, an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, of and to which there is a certain Act amendatory and supplementary, approved April eighteenth, one thousand eight hundred and fifty-seven, and of and to which there is a certain other Act amendatory and supplementary, approved April twenty-fifth, one thousand eight hundred and fifty seven."

Also, Senate bill No. 126, an Act to amend an Act entitled "An Act supplementary to an Act to provide for funding the indebtedness of Yuba County, approved April twenty-second, one thousand eight hundred and fifty-eight.

Also Senate bill No. 137, an Act to aid in the erection of the Washington Monument in the District of Columbia.

Also, Senate bill No. 153, an Act to fix the times for the commencement of the terms of the District Court, County Courts, and Courts of Sessions, in the Counties of Yuba and Sutter.

Also, Senate bill No. 57, an Act amendatory of, and supplementary to, an Act to provide for the registration of births, deaths, marriages, and divorces, in the State of California, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

BERRY, Chairman.

Report accepted.

Mr. Hamm, Chairman of the Committee on Hospitals, made the following report:

MR. PRESIDENT:—The Committee on Hospitals, to whom was referred Senate bill No. 175, an Act supplementary to an Act entitled an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, one thousand eight hundred and fifty-four, have had the same under consideration, and report it back, and recommend its passage, without amendment.

S. F. HAMM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burch, from a Special Committee, made the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Assembly bill No. 116, "An Act to incorporate the Town of Eureka," has considered the same, and recommends that the bill pass.

BURCH, Twenty-first District.

Report accepted, and, with bill, placed on file.

Mr. Quinn, of the Tuolumne delegation, made a verbal report on Assembly bill No. 237, an Act supplementary to an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five, recommending that the bill be referred to the delegation from Shasta.

Report adopted.

INTRODUCTION OF BILLS.

Mr. Thom, by leave, introduced a bill for an Act to amend an Act entitled an Act for the government and protection of Indians, passed April twenty-second, one thousand eight hundred and fifty.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Redman, by leave, introduced a bill for an Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in railroad companies."

Which was read first and second times, and referred to the Committee on Internal Improvements.

On motion of Mr. Thom, the report of the Committee on Public Expenditures, relative to the accounts of the Secretary of the Senate for copying done for the Senate, was taken from the file, and adopted.

On motion of Mr. Burch, Senate bill No. 116, "An Act to amend an Act entitled an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities, in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, approved March thirtieth, one thousand eight hundred and fifty-eight;

With Senate bill No. 149, "An Act to amend an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities, in certain Counties of this State, approved April twenty-fifth, one thousand eight hundred and fifty-seven;

Were taken from the file, and the substitute, reported by the Committee on Military Affairs, adopted.

Bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Bradley, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 107, "An Act defining the duties of the Surveyor-General

of this State, in relation to swamp and overflowed lands," and find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted, and bill placed on file.

Mr. Merritt gave notice that he would, at an early day, introduce a bill for "An Act to enable the California Great Trunk of the Pacific and Atlantic Railroad Company to build and equip a railroad from the City of San Francisco to the Eastern boundary of the State."

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT—The Assembly, on yesterday, passed Senate bill No. 106, an Act to amend an Act entitled an Act to create the office of State-Printer, define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-four.

Also, Assembly bill No. 31, an Act to separate the office of Collector of Taxes from the office of Sheriff of the County of Amador.

Also, Assembly bill No. 118, an Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real.

Also, Assembly bill No. 148, an Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one—passed May seventh, one thousand eight hundred and fifty-five.

Also, Assembly bill No. 178, an Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force.

Also, Assembly bill No. 179, an Act to confer further powers upon the Board of Education, and Treasurer, of the City and County of San Francisco.

Also, Assembly bill No. 186, an Act for the relief of purchasers of lands from the State of California.

Also, Assembly bill No. 205, an Act to authorize H. W. Bragg, guardian of the minor heirs of David Martin and Anne Martin, deceased, to sell real estate of said minor heirs at public or private sale

Also, Assembly bill No. 211, an Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four.

And, also, Assembly bill No. 231, an Act to amend an Act entitled an Act to amend an Act to fund the debt of the County of San Diego, and to provide for the payment of the same, approved May fourth, one thousand eight hundred and fifty-five—approved February fourteenth, one thousand eight hundred and fifty-six.

C. GILMAN, Clerk.

MARCH 10, 1859.

Assembly bill No. 31, "An Act to separate the office of Collector of Taxes from the office of Sheriff of the County of Amador," read first and

second times, and referred to the delegation from Amador and Calaveras.

Assembly bill No. 118, "An Act to authorize the guardian or guardians of certain minors to sell their real estate and chattels real," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 148, "An Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective," passed April fifteenth, one thousand eight hundred and fifty-one—passed May seventh, one thousand eight hundred and fifty-five, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 178, "An Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force," read first and second times, and referred to the Committee on Public Printing.

Assembly bill No. 179, "An Act to confer further powers upon the Board of Education, and Treasurer, of the City and County of San Francisco," read first and second times, and referred to the San Francisco and San Mateo delegation.

Assembly bill No. 186, "An Act for the relief of purchasers of lands from the State of California," read first and second times, and referred to the Committee on Public Lands.

Assembly bill No. 205, "An Act to authorize H. A. Bragg, guardian of the minor heirs of David Martin and Anne Martin, deceased, to sell real estate of said minor heirs at public or private sale," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 211, "An Act to amend an Act entitled an Act concerning the office of Secretary of State," passed May fourth, one thousand eight hundred and fifty-four, read first and second times, and placed on file.

Assembly bill No 231, "An Act to amend an Act entitled an Act to amend an Act to fund the debt of the County of San Diego, and to provide for the payment of the same," approved May fourth, one thousand eight hundred and fifty-five—approved February fourteenth, one thousand eight hundred and fifty-six, read first and second times, rules further suspended, read a third time, and passed.

On motion of Mr. Titus, Senate bill No. 160, "An Act to authorize the sale of certain real estate by guardians," was taken from the file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State," was taken up

Mr. Parker moved to lay the special order on the table.

Lost.

The bill was then considered in Committee of the Whole.

Pending which, on motion of Mr. Dickinson, the further consideration of the bill was dispensed with, until to-morrow, at twelve o'clock, M.

Mr. Ballou, by leave, introduced a bill for "An Act to authorize the reissue of certain school-land warrants."

Which was read first and second times, and referred to the Committee on Public Lands.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly bill No. 240, "An Act to change and fix the time of holding the Court of Sessions, the County Court, and the Probate Court, of San Bernardino County."

C. GILMAN, Clerk.

MARCH 10, 1859.

Assembly bill No. 240, "An Act to change and fix the time of holding the Court of Sessions, the County Court, and the Probate Court, of San Bernardino County," was read first and second times, and referred to the Senator from that District.

GENERAL FILE.

Senate bill No. 32, "An Act to amend an Act defining the time of commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty," was taken up.

The question being upon the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Merritt, Burch, and Parks, and taken, with the following result: ayes, 19—noes, 7:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Berry, Bradley, Dent, Dickinson, Garter, Gregory, Hart, McDonald, Merritt, O'Farrell, Parker, Price, Quinn, Redman, and Thom—19.

NOES—Messrs. Burch, Burton, Denver, Hamm, Ketcham, Kirkpatrick, and Parks—7.

So the bill was indefinitely postponed.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on to-day, passed Assembly bill No. 242, "An Act to extend the time for levying taxes in the County of Contra Costa."

C. GILMAN, Clerk.

MARCH 10, 1859.

Assembly bill No. 242, "An Act to extend the time for levying taxes in the County of Contra Costa," taken up, read first and second times, rules further suspended, bill read a third time, and passed.

On motion of Mr. Ketcham, Senate bill No. 134, "An Act for the establishment and erection of a State Reform School," was taken from file, and made the special order of the day for Friday, March eleventh, at one o'clock, P. M.

On motion of Mr. Thom, Senate bill No. 109, "An Act entitled an Act to grant the right to construct a bridge across the Colorado River, at Fort Yuma, near the junction of the Gila, in the County of San Diego, State of California, to certain parties therein named;"

With Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named;"

Were made the special order of the day for Saturday, March twelfth, at twelve o'clock, M.

Mr. Ketcham moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Denver, and Redman, and taken, with the following result: ayes, 8—noes, 17:

AYES—Messrs. Anderson, Allen, Baker, Bradley, Garter, Gregory, Ketcham, and Quinn—8.

NOES—Messrs. Ballou, Berry, Burch, Burton, Dent, Dickinson, Denver, Hart, Hamm, Kirkpatrick, McDonald, Merritt, O'Farrell, Parks, Parker, Price, and Redman—17.

DECLINED—Mr. Thom declined to vote.

So the motion was lost.

GENERAL FILE RESUMED.

Senate bill No. 102, "An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty," was taken up.

The question being upon the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Burton, Quinn, and Bradley, and taken, with the following result: ayes, 11—noes, 15:

AYES—Messrs Anderson, Allen, Berry, Burton, Dickinson, Garter, Hart, Parks, Parker, Price, and Thom—11.

NOES—Messrs. Baker, Ballou, Bradley, Burch, Dent, Denver, Gregory, Hamm, Ketcham, Kirkpatrick, McDonald, Merritt, O'Farrell, Quinn, and Redman—15.

So the motion was lost.

Mr. Anderson moved that the Senate do now adjourn, upon which, the ayes and noes were demanded, by Messrs. Anderson, Kirkpatrick, and Price, and taken, with the following result: ayes, 10—noes, 16:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Berry, Garter, Hamm, Parks, Parker, and Thom—10.

NOES—Messrs. Bradley, Burch, Burton, Dent, Dickinson, Denver, Gregory, Hart, Ketcham, Kirkpatrick, McDonald, Merritt, O'Farrell, Price, Quinn, and Redman—16.

So the motion was lost.

On motion of Mr. Gregory, the rules were suspended, and bill considered engrossed.

The question being on the passage of the bill, Mr. Parks moved a call of the Senate.

Which was sustained

Roll called.

Absent—Messrs. Anderson, Grant, Griffith, Holden, Lansing, Phelps, Titus, Wheeler, and Williams.

Sergeant-at-Arms was dispatched for absentees.

Mr. Anderson appearing at the bar of the Senate, was admitted.

On motion of Mr. Burch, further proceedings under the call were dispensed with.

Mr. O'Farrell moved that the Senate do now adjourn, upon which, the ayes and noes were demanded, by Messrs. Quinn, Dickinson, and O'Farrell, and taken, with the following result: ayes, 14—noes, 12:

AYES—Messrs. Anderson, Allen, Ballou, Berry, Burton, Dickinson, Garter, Hamm, Ketcham, Kirkpatrick, Merritt, O'Farrell, Parks, and Thom —14.

NOES—Messrs. Baker, Bradley, Burch, Dent, Denver, Gregory, Hart, McDonald, Parker, Price, Quinn, and Redman—12.

So the Senate adjourned.

Approved.

JOS. WALKUP, President.

Attest: E. C. PALMER, Secretary.

IN SENATE.

FRIDAY, March 11, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Parker asked and obtained leave of absence, for Mr. Phelps, for three days.

Mr. Parks asked and obtained leave of absence, for Mr. Wheeler, for two days.

Mr. Anderson asked and obtained indefinite leave of absence, for Mr. Baker.

Mr. Thom asked and obtained indefinite leave of absence, for Mr. Pacheco, on account of sickness.

Journals of yesterday read and approved.

Mr. Redman presented a petition from citizens of Santa Clara County, with a diagram accompanying the same, asking the Legislature to grant them the right to cut through a slough near the Town of Alviso, to facilitate navigation, which was referred to the Committee on Commerce and Navigation.

Mr. Thom, from a Special Committee, made the following report:

MR. PRESIDENT:—Your Special Committee, to whom was referred Assembly bill No. 240, an Act to change and fix the time of holding the Court of Sessions, the County Court, and the Probate Court, of San Bernardino County, have considered the same, and ask leave to report the bill back to the Senate, without amendment, and recommend its passage.

THOM, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Ketcham, from the Amador and Calaveras delegation, made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill

No. 38, have had the same under consideration, and ask leave to report same back, and recommend its passage.

KETCHAM, for Delegation.

Report accepted, and, with bill, placed on file.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Senate bill No. 138, an Act authorizing Solon S. Simmonds to construct a canal in Santa Clara County, have had the same under consideration, and, also, the petition and the remonstrance in relation to said bill.

Your Committee are of opinion that one of the objections set forth in the remonstrance, viz.: "That the turning of the current of the river through the slough, would cause a bar to form at the mouth of the slough, which would seriously interfere with navigation," a substantial and sufficient reason why the bill should not pass.

Your Committee find, so far as investigation has been made, that nearly all the rivers that empty into the bay or ocean on this coast have bars at their mouths, formed by the settling of the sand and sediment brought down by the currents of those streams, which interferes with, and, in some instances, entirely obstructs navigation; while sloughs that are not outlets for running streams are always free from bars at their mouths, and are generally the best for navigable purposes. For these, and other reasons, your Committee recommend that the bill be indefinitely postponed.

McDONALD, Chairman.

I recommend the passage of the bill, as it is favored by the delegation, in both houses, from Santa Clara.

GILBERT A. GRANT,
Of Committee on Commerce and Navigation.

Without particular recommendation.

A. S. HART, of the Committee.

Report accepted, and, with bill, placed on file.

Mr. Garter, from the Shasta delegation, made the following report:

MR. PRESIDENT:—The delegation from the Counties of Butte and Shasta, to whom was referred Assembly bill No. 228, an Act to authorize the County Recorder of the County of Tehama, to transcribe certain records in the Counties of Colusa, Shasta, and Butte, have considered the same, and report the same back, and recommend its passage.

GARTER, }
HART, } Committee.

Report accepted, and, with bill, placed on file.

Mr. McDonald, of the Sacramento delegation, made the following report:

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Assembly bill No. 188, an Act to prevent stallions from running at large

in the County of Sacramento, have had the same under consideration, and report it back, without amendment, and recommend its passage.

J. M. McDONALD, for the Delegation.

Report accepted, and, with bill, placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
March 11, 1859.

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 174, an Act supplementary to an Act approved February eighteenth, one thousand eight hundred and fifty-nine, entitled an Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty eight;

Also, Assembly bill No. 251, an Act to amend an Act entitled an Act to amend an Act entitled an Act to change the time of holding the Court of Sessions, and County Court, in the County of Napa, approved April twentieth, one thousand eight hundred and fifty-eight.

C. GILMAN, Clerk.

Assembly bill No. 251, "An Act to amend an Act entitled an An Act to amend an Act entitled an Act to change the time of holding the Court of Sessions, and County Court, in the County of Napa," approved April twentieth, one thousand eight hundred and fifty-eight, taken up, read first and second times, and referred to the Senator from that District.

Mr. Merritt, pursuant to notice, introduced a bill for "An Act to enable the California Great Trunk of the Pacific and Atlantic Railroad Company to build and equip a railway from the City of San Francisco to the Eastern boundary of the State."

Which was read first and second times, and referred to the Committee on Internal Improvements.

Mr. Burton gave notice that he would, at an early day, introduce a bill for an Act making appropriations to meet deficiencies in appropriations heretofore made, for the civil expenses of the Government of this State, for the tenth fiscal year, ending June thirtieth, one thousand eight hundred and fifty-nine."

Mr. Bradley, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 115, an Act to incorporate the City of San José, and find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 106, an Act to amend an Act entitled an Act to create the

office of State-Printer, define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-eight, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

GENERAL FILE.

Senate bill No. 102, "An Act to amend an Act entitled an Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty, taken up.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Gregory, and Parker, and taken, with the following result: ayes, 11—noes, 15:

AYES—Messrs. Bradley, Burch, Dent, Denver, Gregory, Hamm, Holden, Ketcham, McDonald, Quinn, and Redman—11.

NOES—Messrs. Anderson, Allen, Ballou, Berry, Burton, Dickinson, Garter, Hart, Kirkpatrick, Merritt, O'Farrell, Parks, Parker, Price, and Thom—15.

DECLINED—Messrs. Lansing and Titus declined to vote.

So the Senate refused to pass the bill.

Senate bill No. 118, "An Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of guardians," passed April nineteenth, one thousand eight hundred and fifty—

On motion of Mr. McDonald, the bill was laid on the table.

Assembly bill No. 120, "An Act to authorize Richard L. Ogden, and his assigns, to run steam-wagons over the roads of this State—"

On motion of Mr. Anderson, the bill was laid on the table.

Assembly bill No. 147, "An Act creating a Contingent Fund for Shasta County—"

Consideration of bill in Committee of the Whole dispensed with, bill read a third time, and passed.

Senate bill No. 135, "An Act to amend an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Motion to reconsider the vote by which the Senate refused to pass Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada."

Mr. Titus moved to make the motion to reconsider, the special order of the day for Tuesday, March fifteenth, at a quarter before twelve o'clock, M.

Upon which, the ayes and noes were demanded by Messrs. Burton,

Gregory, and Thom, and taken, with the following result: ayes, 15—noes, 7:

AYES—Messrs. Ballou, Burch, Dent, Dickinson, Denver, Hart, Hamm, McDonald, Merritt, O'Farrell, Parks, Parker, Price, Titus, and Williams—15

NOES—Messrs. Bradley, Burton, Carter, Gregory, Holden, Quinn, and Thom—7

DECLINED—Messrs. Berry, Ketcham, and Redman, declined to vote.

So the motion was adopted.

Senate bill No. 138, an Act amendatory of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one, taken up.

The question being upon suspending the rules, and engrossing the bill engrossed, the ayes and noes were demanded, by Messrs. Denver, Burch, and Dickinson.

Pending which, the hour arrived for the consideration of the special order of the day.

SPECIAL ORDER OF THE DAY.

Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State," taken up, and considered in Committee of the Whole.

Pending which, on motion of Mr. Merritt, the further consideration of the bill was dispensed with until to-morrow, March twelfth, at twelve o'clock, M.

On motion of Mr. Merritt, by unanimous consent, Senate bill No. 140, "An Act to amend an Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty, was taken from the table, and considered in Committee of the Whole.

MESSAGES FROM THE GOVERNOR.

Pending which, the following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 11, 1860.

To the Senate of California:

I have to inform your honorable body, that I, this day, approved an Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of the County of Yuba, approved April twenty-second, one thousand eight hundred and fifty-one.

JOHN B. WELLER.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 11, 1860.

To the Senate of California:

I have to inform your honorable body that I did, on yesterday, the tenth instant, approve the following bills, to wit:

"An Act to aid in the erection of the Washington Monument in the District of Columbia."

An Act to fix the times for the commencement of the terms of the District Court, County Courts, and Courts of Sessions, in the Counties of Sutter and Yuba.

JOHN B. WELLER.

The consideration of Senate bill No. 140, in Committee of the Whole, was resumed.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

FURTHER SPECIAL ORDER.

Senate bill No. 134, "An Act for the establishment and erection of a State Reform School," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

The question being upon ordering the bill engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Anderson, Quinn, and Merritt, and taken, with the following result: ayes, 21—noes, 3:

AYES—Messrs. Allen, Ballou, Berry, Burch, Burton, Dent, Denver, Garter, Gregory, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, O'Farrell, Pacheco, Parks, Parker, Quinn, Thom, and Titus—21.

NOES—Messrs. Anderson, Merritt, and Redman—3.

So the bill was ordered engrossed, and read a third time.

On motion of Mr. Thom, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

SATURDAY, March 12, 1859.

The Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Parker asked and obtained leave of absence, for Mr. Williams, for two days.

Mr. Titus asked and obtained leave of absence, for Mr. Bradley, for two days.

Mr. McDonald asked and obtained leave of absence, for Mr. Price, for two days.

Journals of yesterday read and approved.

Mr. Dent presented a petition from citizens of San Joaquin County, relative to the law regulating weights and measures.

Which was laid on the table.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 180, "An Act to amend an Act entitled an Act for the government and protection of Indians," passed April twenty-third, one thousand eight hundred and fifty, have had the same under consideration, report the bill back, and recommend its passage.

Assembly bill No. 193, "An Act supplemental to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine, is herewith reported back, amended, with the recommendation that it pass, as amended:

Amend section one, by adding, to end of section, the words "Santa Cruz and Shasta."

Senate bill No. 165, "An Act to enable parties therein named to partition or sell real estate," is reported back, amended, and recommend the same pass, as amended:

Amend by adding the following, as an additional section:

Section three—Prior to the approval of any sale made under the provisions of this Act, the Probate Judge of the County, in which such property lies, shall appoint a special guardian to the minor heirs herein named, who shall cause the real estate aforesaid to be appraised, by three disinterested householders of the County, which appraisement shall be filed with the Clerk of the Probate Court, and a duplicate thereof with the Clerk of the District Court of said County, and said District Judge shall not approve any sale made under the provisions of this Act, for a less sum than the said appraised value. The said guardian shall give bond to said minors, for the faithful execution of his trust, under this Act, and also for the careful management, and due application to the maintenance and education of said minors, so far as necessary, of any moneys that may come to his possession, as such guardian, and for the final accounting and paying over to said persons, of all moneys remaining in his hands, and to which they may be entitled.

Senate bill No. 156, "An Act to authorize District Judges, in certain cases, to sign records, and settle statements," is reported back, amended, and recommend the passage of the same, as amended:

Amend by inserting, in section one, line fourteen, after the word "statements," the words "and bills of exception."

Assembly bill No. 118, "An Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real," have had the same under advisement, report the bill back, amended, and recommend its passage, as amended:

Amend section one, line twenty-three: after the word "sales" insert the following: "which said bond shall be in an amount equal to double the appraised value of the estate sought to be sold, with two or more sureties, who shall justify as in all cases of bonds, under the Civil Practice Act of this State."

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Griffith, Chairman of the Committee on Public Printing, made the following report:

MR. PRESIDENT:—The Committee on Public Printing, to whom was referred Senate bill No. 129, an Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation," have had the same under consideration, and report a substitute, and recommend its adoption and passage.

H. GRIFFITH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 170, for an Act to provide for the issuance of patents to lands located with State school-land warrants, have had the same under consideration, and I am instructed to report the same, with the following amendment, and recommend the passage of the bill, as amended:

In section fifth, strike out from "selected," in the ninth line, to "and," in the eleventh line.

In section sixth, strike out "five," and insert "three."

Strike out the seventh section, and insert, "All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed."

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Judge Wm. T. Barbour, for back salary due him as District Judge of the Tenth Judicial District, from the first day of January, A. D., one thousand eight hundred and fifty-three, to the ninth day of October, A. D. one thousand eight hundred and fifty-seven, have had the same under consideration, and Messrs. Burton, Baker, and Dickinson, recommend that the claim be rejected, and Messrs. Garter and Lansing report the accompanying bill for its payment, and recommend its passage.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 174, "An Act supplementary to an Act approved February eighteenth, one thousand eight hundred and fifty-nine, entitled an Act amendatory of, and supplementary to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning," approved April twenty-third, one thousand eight hundred and fifty-eight, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 12, 1859.

To the Senate of California:

I have to inform you that I, this day, approved the following bills, to wit:

"An Act concerning agricultural societies;"

Also, "An Act amendatory of, and supplementary to, an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

JOHN B. WELLER.

Mr. Garter, by leave, introduced a bill for "An Act to provide for the payment of fees and costs in civil actions, by and against Counties."

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Gregory, the rules were suspended, and Senate bill No. 15, "An Act to regulate the creation of Homesteads," was taken from the table, and made the special order of the day for Monday, March fourteenth, at twelve o'clock, M.

On motion of Mr. Pacheco, the rules were suspended, Senate bill No. 165, "An Act to enable parties therein named to partition or sell real estate," taken from file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Ketcham, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate bill No. 140, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty;

Also, Senate bill No 160, "An Act to authorize the sale of certain real estate by guardians;"

And find the same correctly engrossed.

KETCHAM, for the Committee.

Report accepted, and, with bill, placed on file.

Mr. Merritt moved to suspend the rules, and take from file Assembly bill No. 193, an Act supplemental to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven—approved February twenty-first, one thousand eight hundred and fifty-nine.

Which was lost

On motion of Mr. Grant, the rules were suspended, and Senate bill No. 190, an Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon, was taken from file, considered in Committee of the Whole.

Pending which, the hour arrived for the special order of the day.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named," was taken up.

Mr. Thom offered the following amendments, which were adopted:

Amend section first, by adding the names of L. J. F. Jaeger, and John S. Griffin.

Amend section second, fifth line, after the word "Yuma," insert "near the junction of the Colorado and the Gila Rivers."

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Griffith, and Dickinson, and taken, with the following result: ayes, 12—noes, 9:

AYES—Messrs. Allen, Berry, Burch, Garter, Grant, Holden, Ketcham, Lansing, Merritt, O'Farrell, Parks, and Thom—12.

NOES—Messrs. Ballou, Burton, Dent, Dickinson, Denver, Griffith, Hamm, McDonald, and Titus—9.

DECLINED—Messrs. Anderson, Gregory, and Kirkpatrick, declined to vote.

So the bill passed.

Mr. Holden, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 134, an Act for the establishment and erection of a State Reform School, and find the same correctly engrossed.

HOLDEN, of the Committee.

Report accepted, and bill placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the ninth instant, passed Assembly bill No. 184, an Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund.

Also, on yesterday, Assembly bill No. 195, an Act to authorize the State Treasurer to issue to George Campbell duplicate school-land warrant, in lieu of a certain other warrant given up to be canceled.

Also, adopted Senate amendments to Assembly bill No. 109, an Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven, with further amendments, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

MARCH 12, 1859.

Assembly bill No. 184, "An Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay

certain demands on the School Fund," taken up, read first and second times, and referred to the delegation from that District.

Assembly bill No. 195, "An Act to authorize the State Treasurer to issue to George Campbell duplicate school-land warrant, in lieu of a certain other warrant given up to be canceled, read first and second times, and referred to the Committee on Public Lands.

Assembly bill No. 109, "An Act to amend an Act concerning Notaries Public," approved April thirtieth, one thousand eight hundred and fifty-seven, taken up, and amendments of Assembly concurred in.

FURTHER SPECIAL ORDER.

Senate bill No. 109, "An Act entitled an Act to grant the right to construct a bridge across the Colorado River, at Fort Yuma, near the junction of the Gila, in the County of San Diego, State of California, to certain parties therein named,"—

On motion of Mr. Kirkpatrick, the consideration of the bill in Committee of the Whole was dispensed with.

On motion of Mr. Kirkpatrick, the rules were suspended, bill considered engrossed.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Lansing, and Griffith.

No quorum voting.

Mr. Burton moved a call of the Senate.

Which was sustained.

Roll called.

Absent—Messrs. Berry, Dickinson, Denver, Grant, Hart, Hamm, Parker, Quinn, and Redman.

Sergeant-at-Arms dispatched for absentees

Messrs. Quinn, Dickinson, Hamm, and Berry, appearing at the bar of the Senate, were admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The question recurring on the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, McDonald, and Garter, and taken, with the following result: ayes, 11—noes, 10:

AYES—Messrs. Anderson, Allen, Berry, Garter, Hamm, Kirkpatrick, Lansing, O'Farrell, Parks, Quinn, and Titus—11.

NOES—Messrs. Ballou, Burch, Burton, Dent, Dickinson, Grant, Gregory, Griffith, Holden, and Ketcham—10.

So the bill passed.

Mr. Berry moved that the Senate do now adjourn, upon which, the ayes and noes were demanded, by Messrs. Burch, Burton, and Dickinson, and taken, with the following result: ayes, 13—noes, 10:

AYES—Messrs. Anderson, Allen, Ballou, Berry, Burch, Dent, Dickinson, Garter, Grant, Hamm, O'Farrell, Parks, and Thom—13.

NOES—Messrs. Burton, Gregory, Griffith, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Quinn, and Titus—10.

So the Senate adjourned.

Approved.

JOSEPH WALKUP, President.

Attest: J. T. PENNINGTON, Assistant Secretary of Senate.

IN SENATE.

MONDAY, March 14, 1859.

Senate met, pursuant to adjournment.

The President *pro tem.* in the Chair.

Roll called.

Mr. Burton asked and obtained leave of absence, for E. C. Palmer, Secretary of the Senate, for one day.

Journals of Saturday read and approved.

Mr. Titus presented a memorial from the Trustees of the University of the Pacific, asking the Legislature to assist them, by making an appropriation of money for the same.

Mr. Dent presented a petition from citizens of San Joaquin County, relative to the Civil Practice Act.

INTRODUCTION OF BILLS.

Mr. Redman, by leave, introduced a bill for "An Act to amend an Act entitled an Act defining the rights of husband and wife."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Burton, pursuant to notice, introduced a bill for "An Act making appropriations for deficiencies in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine."

Read first and second times, and referred to the Committee on Finance.

Mr. Dent, by leave, introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, one thousand eight hundred and fifty-one.

Which was read first and second times, and referred, with petition relative to the same, to the Judiciary Committee.

REPORTS.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 135, "An Act to amend an Act entitled an Act to repeal an Act, passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and the County of Sacramento," and find the same correctly engrossed.

I. S. TITUS, for Committee.

Report accepted, and, with bill, placed on file.

GENERAL FILE.

Senate bill No. 133, an Act amendatory of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken up, and, on motion of Mr.

Anderson, made the special order of the day for Tuesday, March fifteenth, at half-past eleven o'clock, A. M.

Senate bill No. 134, "An Act for the establishment and erection of a State Reform School," taken up.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Anderson, Gregory, and Burch, and taken, with the following result: ayes, 19—noes, 5:

AYES—Messrs. Allen, Ballou, Berry, Burch, Burton, Dent, Garter, Gregory, Hart, Holden, Kirkpatrick, Lansing, McDonald, O'Farrell, Pacheco, Parks, Redman, Thom, and Titus—19.

NOES—Messrs. Anderson, Dickinson, Denver, Hamm, and Quinn—5.

So the bill passed.

GENERAL FILE RESUMED.

Senate bill No. 127, "An Act extending the privileges of the Homestead Law to certain persons," was taken up, and, on motion of Mr. Anderson, made the special order of the day for Wednesday, March sixteenth, at half-past eleven o'clock, A. M.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the twelfth instant, passed Senate bill No. 157, an Act authorizing the Board of Supervisors of Siskiyou County to transfer certain funds;

Also, with amendments, Senate bill No. 148, an Act authorizing the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for contingent purposes;

Also, with amendments, Senate bill No. 128, an Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same;

Also, with amendments, Senate bill No. 98, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State;

Also, Assembly bill No. 181, an Act to authorize the State Treasurer to issue, to Minerva J. Carroll, a duplicate school-land warrant, in lieu of a certain warrant destroyed;

Also, Assembly bill No. 202, an Act supplementary to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight;

And, also, indefinitely postponed, on the eleventh instant, Senate bill No. 108, an Act amending an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight;

Also, on the third instant, passed Assembly bill No. 213, an Act concerning roads and highways in Shasta County;

Also, on the twelfth instant, passed Senate bill No. 115, an Act to incorporate the City of San José.

C. GILMAN, Clerk.

MARCH 14, 1859.

Assembly bill No. 181, "An Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 202, "An Act supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight," read first and second times, and referred to the San Francisco and San Mateo delegation.

Assembly bill No. 213, "An Act concerning roads and highways in Shasta County," read first and second times, and refered to the Senator from that District.

Senate bill No. 148, "An Act authorizing and empowering the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for contingent purposes"—amendments of Assembly concurred in.

Senate bill No. 128, "An Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same"—amendments of Assembly concurred in.

Senate bill No. 98, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," was, on motion of Mr. Burch, referred to the Judiciary Committee.

On motion of Mr. Titus, Senate bill No. 71, "An Act to authorize the establishment of County infirmaries, for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick, in the Counties of this State," was taken from unfinished business, and placed on file.

GENERAL FILE RESUMED.

Senate bill No. 120, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, one thousand eight hundred and fifty-four," was taken up, and, on motion of Mr. Burton, placed at the bottom of the file.

Senate bill No. 164, "An Act to authorize the Board of Trustees of the City of Sonora to levy a special tax, for the benefit of the Fire Department," considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 113, "An Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco," was taken up, and, on motion of Mr. Burton, placed at the bottom of the file.

On motion of Mr. Burch, Senate bill No. 56, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken from the table, and the amendment of the Assembly to section second concurred in.

Assembly amendment to section four, on striking out "one year," and inserting "four months," was lost.

Amendment to section four, on striking out all after the word "Court," concurred in.

Amendment on striking out the fifth section, lost.

On motion of Mr. Burton, the consideration of the special order of the day was postponed until half-past twelve o'clock, P. M.

GENERAL FILE RESUMED.

Senate bill No. 173, "An Act to appropriate money for the payment of certain claims," considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 172, "An Act to audit certain claims," considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Ketcham asked and obtained leave of absence, for Mr. Bradley, for one day.

SPECIAL ORDER OF THE DAY.

Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State," considered in Committee of the Whole.

Pending which, the Senate, on motion of Mr. Thom, adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

TUESDAY, March 15, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Mr. Quinn asked and obtained leave of absence, for Mr. Dent, for one day.

Journals of yesterday read and approved.

REPORTS.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Assembly bill No. 195, for an Act entitled an Act to authorize the State Treasurer to issue to George E. Campbell a duplicate school-land warrant, in lieu of a certain other warrant given up to be canceled, have had the same under consideration, and recommend the passage of the bill.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate bill No. 183, "An Act to provide for the payment of fees and costs in civil cases," have had the same under consideration, and report the bill back, amended, and recommend its passage, as amended.

Amend section one, line two, by inserting, after the word "by," the words "the State or."

In line ten, insert, after the word "the," the words "State or."

In line fourteen, insert, after the words "of the," the words "State or;" and after the word "County," in the same line, insert the words "as the case may be."

In line fifteen, after the words "against the," insert "State or."

In line seventeen, strike out "by the Board of Supervisors."

In line eighteen, after the words "against the," insert, the words "State or."

Your Committee have also had under consideration, Assembly bill No. 205, An Act to authorize H. W. Bragg, guardian of the minor heirs of David Martin, and Anne Martin, deceased, to sell the real estate of said minor heirs, at public or private sale," and report the same back, amended, and recommend its passage, as amended:

Amend, by adding the following, as section four:

Section four—Before making any sale under the power by this Act conferred, said guardian shall execute a good and sufficient bond, in a sum double the appraised value of the real estate about to be sold, conditioned that he will faithfully account for all moneys coming to his hands from such sale, with two or more sufficient sureties, who shall justify as all sureties to bonds under the Civil Practice Act of this State, are now required to justify.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant of the San Francisco and San Mateo delegations, made the following report:

Mr. President:—The Committee, consisting of the delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 202, an Act supplemental to an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight, have had the same under consideration, and recommend its passage, without amendment.

GRANT, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Garter, of the Shasta delegation, made the following report:

Mr. President:—The Shasta delegation, to whom was referred Assembly bill No. 237, "An Act supplementary to an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five," have had the same under consideration, and, in reporting the same back, recommend its passage.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Pacheco made a verbal report on Assembly bill No. 229, "An Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt and the construction of roads, and to provide for the payment of the said bonds," recommending the passage of the bill.

Bill placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 169, an Act fixing the times of holding the Courts of Sessions and County Courts, in the County of Shasta, and to change the manner of summoning juries for the County Courts of said County;

Also, Assembly bill No. 108, an Act to provide for the compensation of the Keepers of the County-jails, in Shasta and Colusa Counties, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails;

Also, amended Senate amendments to Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named, and ask the concurrence of the Senate;

Also, on the twelfth instant, passed Assembly bill No. 256, an Act to define the boundary-line of Tuolumne County.

C. GILMAN, Clerk.

MARCH 15, 1859.

Assembly bill No. 108, "An Act to provide for the compensation of the Keepers of the County-jails, in Shasta and Colusa Counties, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails," read first and second times, and referred to the Senator from that District.

Assembly bill No. 256, "An Act to define the boundary-line of Tuolumne County," read first and second times, and referred to the delegation from Tuolumne and Calaveras Counties.

Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named," referred to Senator from that District.

INTRODUCTION OF BILLS.

Mr. Ketcham, by leave, introduced a bill for "An Act to raise revenue for a Chinese Police Fund, and for other purposes."

Read first and second times, and referred to the Judiciary Committee, and the usual number of copies of the bill ordered printed.

Mr. Ballou, by leave, introduced a bill for "An Act to prohibit the enforcement of contracts in certain cases."

Read first and second times, and referred to the Judiciary Committee.

Mr. Hart, by leave, introduced a bill for "An Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven, and of an Act amendatory

thereof, approved March twenty-fifth, one thousand eight hundred and fifty-eight.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Lansing presented certain accounts, and moved their reference to the Committee on Contingent Expenses.

Which was adopted.

Mr. Pacheco, by leave, introduced a bill for "An Act amendatory of an Act concerning corporations, passed April twenty-second, A. D. one thousand eight hundred and fifty."

Read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Redman, Senate bill No. 138, "An Act authorizing Solon S. Simmonds to construct a canal in Santa Clara County," was taken from file, and considered in Committee of the Whole.

IN SENATE.

Reported back.

Pending which, the hour arrived for the

SPECIAL ORDER OF THE DAY.

Senate bill No. 133, "An Act amendatory of an Act entitled an Act to regulate proceedings in civil cases," passed April twenty-ninth, one thousand eight hundred and fifty-one, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Gregory, Anderson, and Pacheco, and taken, with the following result: ayes, 8—noes, 18:

AYES—Messrs. Ballou, Burton, Dickinson, Garter, Grant, Griffith, McDonald, and O'Farrell—8.

NOES.—Messrs. Anderson, Berry, Bradley, Burch, Denver, Gregory, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, Merritt, Pacheco, Price, Quinn, Redman, Thom, and Titus—18.

DECLINED—Mr. Allen declined to vote.

So the Senate refused to pass the bill.

Mr. Anderson gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Gregory asked and obtained leave of the Senate, for Mr. Ketcham to have his vote recorded on the Journals in the negative on the vote just taken.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 115, "An Act to incorporate the City of San José;

Also, Senate bill No. 128, "An Act authorizing and empowering the

County Clerk of Butte County to transcribe certain records, and to legalize the same;

Also, Senate bill No. 148, "An Act authorizing the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for contingent purposes;

Also, Senate bill No. 157, "An Act authorizing the Board of Supervisors of Siskiyou County to transfer certain funds;"

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Ketcham, of the Committtee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 177, substitute for Senate bills Nos. 116 and 149, "An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State."

Also, Senate bill No. 164, "An Act authorizing the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the Fire Department."

Also, Senate bill No. 165, "An Act to enable parties therein named to sell real estate;"

And find the same correctly engrossed.

KETCHAM, for the Committee.

Report accepted.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada, taken up.

Pending which, Mr. Gregory moved a call of the Senate.

Sustained.

Roll called.

Absent—Messrs. Parks, Allen, Garter, and Pacheco.

Sergeant-at-Arms was dispatched for absentees.

Mr. Pacheco appearing at the bar of the Senate, was admitted.

Mr. Parker moved that further proceedings under the call be dispensed with.

Lost.

Mr. Garter appearing at the bar of the Senate, was admitted.

Mr. Burton moved that further proceedings under the call be dispensed with.

Lost.

Mr. Allen appearing at the bar of the Senate, was admitted.

Mr. Wheeler appearing at the bar of the Senate, was admitted.

On motion of Mr. Thom, further proceedings under the call were dispensed with.

The question being upon the reconsideration of the vote by which the Senate refused to pass the bill, the ayes and noes were demanded, by Messrs. Burton, Lansing, and Dickinson, and taken, with the following result: ayes, 14—noes, 11:

Ayes—Messrs. Burch, Dickinson, Denver, Grant, Griffith, Hart, Hamm, McDonald, Parker, Phelps, Price, Thom, Titus, and Wheeler—14.

Noes—Messrs. Anderson, Bradley, Burton, Garter, Gregory, Holden, Ketcham, Kirkpatrick, Lansing, Quinn, and Redman—11.

So the vote was reconsidered.

Mr. Thom moved to make the bill the special order of the day for Tuesday, March twenty-second, at twelve o'clock, M.

Lost.

Mr. Wheeler moved to make the bill the special order of the day for Saturday, at a quarter before twelve o'clock, A. M.

Lost.

Mr. Gregory moved a call of the Senate.

Lost.

Mr. Thom moved to make the bill the special order of the day for Saturday, March nineteenth, at eleven and a half o'clock, A. M.

Lost.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Dickinson, and Gregory.

Pending which, Mr. Thom moved to recommit, with the following special instructions:

"That the further sum of ten thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the digging of wells on the great emigrant trail from the Colorado to Los Angeles."

Lost.

Mr. Gregory moved to recommit, with the following special instructions:

Strike out "fifty thousand dollars," in the eleventh line, and insert "two million one hundred thousand dollars."

Lost.

Mr. Wheeler moved to make the bill the special order of the day for Friday, March eighteenth, at eleven and a half o'clock, A. M.

Lost.

The question recurring on the passage of the bill, the ayes and noes were taken, with the following result: ayes, 14—noes, 11:

Ayes—Messrs. Burch, Dickinson, Denver, Grant, Gregory, Griffith, Hart, Hamm, McDonald, O'Farrell, Parker, Phelps, Price, and Titus—14.

Noes—Messrs. Bradley, Garter, Holden, Ketcham, Kirkpatrick, Lansing, Quinn, Redman, Thom, and Wheeler—11.

So the bill passed.

Mr. Gregory gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, March 15, 1859.

To the Senate of California:

I have been requested by Captain Gilmer, of the Engineer Corps of the United States Army, to call your attention to the necessity of a law ceding to the Federal Government jurisdiction over what is usually known as Lime Point. This property is necessary to the military de-

fence of the Bay of San Francisco, and I respectfully recommend a cession of jurisdiction over it.

JOHN B. WELLER.

Communication referred to the Committee on Federal Relations.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE OF THE BOARD OF EXAMINERS,
Sacramento, March 15, 1859.

To the Senate of California:

I transmit, herewith, a claim presented by the County of San Joaquin, against the State Treasury. I have not examined the question, and, as it involves a large amount of money, I prefer withholding my opinion for the present. I do not speak of the sum involved in this particular case, but if the Attorney-General is correct in the opinion which he has given, a large amount will be found justly due to other Counties in the State.

JOHN B. WELLER,
President Board of Examiners.

Message, with accompanying papers, referred to the Committee on Claims.

FURTHER MESSAGE FROM THE BOARD OF EXAMINERS.

OFFICE OF BOARD OF EXAMINERS,
Sacramento, March 14, 1859.

To the Senate of California:

I transmit, herewith, to your honorable body, a list of claims which have been passed upon by the Board of Examiners, together with the papers and opinion of the Board in each case, and are as follows, to wit:

Claim of Marpe & Lawson	$86 72
Claim of Britton & Rey	1,060 00
Claim of Britton & Rey	375 00
Claim of Sisters of Mercy	2,790 00
Claim of John Bickerstaff	50 00
Total	$4,361 72

JOHN B. WELLER,
President Board of Examiners.

Message, with papers, referred to the Committee on Claims.

Mr. Griffith moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Lansing, and Denver, and taken, with the following result: ayes, 12—noes, 13:

AYES—Messrs. Bradley, Burch, Garter, Grant, Gregory, Griffith, Holden, Merritt, O'Farrell, Parker, Price, and Wheeler—12.

NOES—Messrs. Berry, Burton, Denver, Hamm, Ketcham, Kirkpatrick, Lansing, McDonald, Pacheco, Phelps, Quinn, Redman, and Titus—13.

So the Senate refused to adjourn.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 84, an Act to provide revenue for the support of the Government of this State, taken up, and considered in Committee of the Whole.

Pending which, Mr. Thom moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Burton, and Kirkpatrick, and taken, with the following result: ayes, 12—noes, 13:

AYES—Messrs. Bradley, Burch, Garter, Grant, Gregory, Griffith, Holden, Merritt, O'Farrell, Parker, Price, and Wheeler—12.

NOES—Messrs. Berry, Burton, Denver, Hamm, Ketcham, Kirkpatrick, Lansing, McDonald, Pacheco, Phelps, Quinn, Redman, and Titus—31.

So the Senate refused to adjourn.

Further consideration of the bill in Committee of the Whole.

Pending which, Mr. Griffith moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Burton, and Kirkpatrick, and taken, with the following result: ayes, 10—noes, 10:

AYES—Messrs. Anderson, Allen, Burch, Griffith, Holden, Merritt, O'Farrell, Pacheco, Thom, and Wheeler—10.

NOES—Messrs. Berry, Bradley, Burton, Hamm, Kirkpatrick, Lansing, McDonald, Phelps, Quinn, and Redman—10.

It being a tie vote, the President decided in the negative.

So the motion was lost.

Further consideration of the bill in Committee of the Whole.

Pending which, Mr. Griffith moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Lansing, and Quinn, and taken, with the following result: ayes, 11—noes, 9:

AYES—Messrs. Anderson, Allen, Bradley, Burch, Griffith, Holden, Merritt, O'Farrell, Pacheco, Thom, and Wheeler—11.

NOES—Messrs. Berry, Burton, Hamm, Kirkpatrick, Lansing, McDonald, Phelps, Quinn, and Redman.

So the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.* of Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

WEDNESDAY, March 16, 1859.

Senate met, pursuant to adjournment.
The President *pro tem.* in the Chair.
Roll called.
Journals of yesterday read and approved.
Mr. Phelps presented remonstrances from the merchants of San Francisco, also, from the Chamber of Commerce of San Francisco, against the passage of the bulk-head bill, now before the Senate, which was made the special order of the day, for this day, at half-past eleven o'clock, A. M.

REPORTS.

Mr. Griffith, Chairman of the Committee on Public Printing, made the following report:

MR. PRESIDENT:—The Committee on Public Printing, to whom was referred Assembly bill No. 178, have had the same under consideration, and report the following amendments, and recommend its passage, as amended;

Amend section first, by adding, after the word "force," in the eleventh line, "and for the correction of the proof-sheets thereof, for the Printer;"

Also, amend same section, by adding at the end of the section, "The sum of one thousand dollars is hereby appropriated to defray the expenses incurred under the provisions of this section."

H. GRIFFITH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom were referred certain accounts herein set forth, have examined the same, and recommend they be allowed, to be paid out of the Contingent Fund.

Democratic Standard	$14 00
J. H. Mason, (Spirit of the Times)	3 50
Houghton & Co., (newspapers)	1 25
Conley & Patrick, (San Joaquin Republican)	11 50
C. Kane, for keys, locks, etc	5 75

C. J. LANSING, Chairman.

Report accepted, and placed on file.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 109, "An Act entitled an Act to grant the right to construct a bridge across the Colorado River, at Fort Yuma, near the junc-

tion of the Gila, in the County of San Diego, State of California, to certain parties therein named;

Also, Senate bill No. 172, an Act to audit certain claims;

And find the same correctly engrossed.

I. S. TITUS, for the Committee.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the fifteenth day of March, A. D. one thousand eight hundred and fifty-nine, at three o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 106, "An Act to amend an Act to create the office of State Printer, define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-four;"

Also, Senate bill No. 115, "An Act to incorporate the City of San José;"

Also, Senate bill No. 174, "An Act supplementary to an Act approved February eighteenth, one thousand eight hundred and fifty-nine, entitled an Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight;

Also, Senate bill No. 128, "An Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same;"

Also, Senate bill No. 148, "An Act authorizing the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for contingent purposes;"

Also, Senate bill No. 157, "An Act authorizing the Board of Supervisors of Siskiyou County to transfer certain funds."

BERRY, Chairman.

Report accepted.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Assembly bill No. 186, for an Act entitled an Act for the relief of the purchaser of public lands from the State of California, have had the same under consideration, and I am instructed to amend the same by striking out the enacting clause, and inserting the following as a substitute.

HOLDEN, Chairman.

Report accepted, and with bill, placed on file.

Mr. McDonald, by leave, introduced a bill for "An Act to authorize the State Treasurer to issue to Selah Russell three duplicate school-land warrants, in lieu of certain warrants lost or destroyed."

Which was read first and second times, and referred to Committee on Public Lands.

Mr. Thom, of the Special Joint Committee on Translation of the Laws into Spanish, made the following report:

To the Senate and Assembly of California:

The Joint Select Committee, appointed to open and examine the bids, and to select proposals for translating, correcting, and indexing the Laws of one thousand eight hundred and fifty-nine, into the Spanish language, have performed the duty devolved upon them, and find that:

Thomas R. Eldredge proposes to translate, correct, and index said Laws, for	75 cents per folio
Samuel W. Daggett proposes for	75 cents per folio.
John P. Brodie proposes for	80 cents per folio.
John Clar proposes for	80 cents per folio.
Cipriano Taurn proposes for	95 cents per folio.
Manuel Ainsa proposes for	100 cents per folio.
Thomas W. Reese proposes for	100 cents per folio.
Charles T. Gailer proposes for	100 cents per folio.
Jofre & Herrera propose for	100 cents per folio.
Manuel Ainsa second bid proposes for	75 cents per folio.

A majority of your Committee being satisfied of the qualifications and competency of Thomas R. Eldredge, have accepted his proposal as being the best, and have awarded to him the translation of the Laws and documents of one thousand eight hundred and fifty-nine, which are to be translated into Spanish.

C. E. THOM,
R. A. REDMAN,
GEO. W. KENT,
} Senate Committee.

HENRY HANCOCK,
M. MALARIN,
} Assembly Committee.

On motion of Mr. Thom, the rules were suspended, and the report was taken from the file, and adopted.

Mr. Ketcham offered the following resolution, which was adopted:

Resolved, That the Engrossing Clerk of the Senate be allowed an assistant in the discharge of his duties, and that the President of the Senate be, and he is hereby, authorized to audit the account of the Assistant Engrossing Clerk from the fifteenth day of March, at eight dollars per day, payable out of the Contingent Fund of the Senate.

Mr. Ballou gave notice that he would, on to-morrow, introduce a bill for an Act to repeal an Act providing for the appointment of a State Gauger.

Mr. Anderson, pursuant to notice given on yesterday, moved to reconsider the vote by which the Senate, on yesterday, refused to pass Senate bill No. 133, "An Act amendatory of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one."

Mr. Kirkpatrick moved to make the motion to reconsider, the special order of the day for Thursday, March twenty-fourth, at twelve o'clock, M.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Burton, and Lansing, and taken, with the following result: ayes, 16—noes, 15:

AYES—Messrs. Anderson, Allen, Ballou, Burton, Dickinson, Garter, Griffith, Holden, Kirkpatrick, McDonald, Parker, Phelps, Thom, Titus, Wheeler, and Williams—16.

NOES—Messrs. Berry, Bradley, Burch, Dent, Denver, Gregory, Hamm, Lansing, Merritt, O'Farrell, Pacheco, Parks, Price, Quinn, and Redman—15.

So the motion was adopted.

SPECIAL ORDER OF THE DAY.

Senate bill No. 40, "An Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco," was taken up, and read a third time.

Mr. Griffith moved to place the bill on file, upon which, the ayes and noes were demanded, by Messrs. Burton, Burch, and Thom, and taken, with the following result: ayes, 17—noes, 17:

AYES—Messrs. Anderson, Allen, Ballou, Bradley, Dickinson, Garter, Grant, Gregory, Griffith, Hart, Hamm, Holden, Lansing, Merritt, Quinn, Titus, and Wheeler—17.

NOES—Messrs. Berry, Burch, Burton, Dent, Denver, Ketcham, Kirkpatrick, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Redman, Thom, and Williams—17.

So the motion to place the bill on file, was lost.

Mr. Anderson moved to make the bill the special order of the day for Thursday, March twenty-fourth, at twelve o'clock, M.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Burton, and Lansing, and taken, with the following result: ayes, 16—noes, 14:

AYES—Messrs. Anderson, Allen, Ballou, Bradley, Dickinson, Garter, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Parker, Quinn, Titus, and Wheeler—16.

NOES—Messrs. Berry, Burch, Burton, Dent, Gregory, Kirkpatrick, McDonald, Merritt, O'Farrell, Parks, Phelps, Price, Redman, and Williams—14.

So the motion was adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the thirteenth instant, passed Assembly bill No. 234, an Act to change the times of holding the terms of the District Court, Courts of Sessions, County Courts, and Probate Courts, within the Second Judicial District.

And, on the fourteenth instant, passed Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco.

C. GILMAN, Clerk.

MARCH 15, 1859.

Assembly bill No. 234, "An Act to change the time of holding the terms of the District Court, Courts of Sessions, County Courts, and Probate Courts, within the Second Judicial District," read first and second times, and referred to the Senator from that District.

Assembly bill No. 239, "An Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco," read first and second times, and referred to the delegation from San Francisco and San Mateo.

Mr. Kirkpatrick, Chairman of the Committee on Federal Relations, (by leave,) made the following report:

MR. PRESIDENT:—Your Committee on Federal Relations, to whom was referred the Governor's communication to the Senate, relative to the necessity of a law ceding to the Federal Government jurisdiction over what is usually known as "Lime Point," have had the same under consideration, and would now report the same back, together with a bill designed for the said purpose, and recommend the passage of the same.

M. KIRKPATRICK, Chairman.

Report accepted, and, with bill, placed on file.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on yesterday, concurred in Senate Concurrent-Resolution No. 26, relative to adjourning *sine die* on Monday, the eleventh day of April, one thousand eight hundred and fifty-nine, at two o'clock, P. M., with an amendment, substituting the eighteenth in place of the eleventh of April, and ask the concurrence of the Senate.

Also, receded from first Assembly amendment to section four, and amendment to section five, of Senate bill No. 56, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one.

C. GILMAN, Clerk.

MARCH 16, 1859.

Senate Concurrent-Resolution No. 26, relative to adjourning *sine die* on Monday, the eleventh day of April, one thousand eight hundred and fifty-nine, at two o'clock, P. M., was taken up, and the amendment of Assembly to adjourn *sine die* on the eighteenth day of April, was concurred in.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 16, 1859.

To the Senate of California:

I have, this day, approved an Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same.

Also, "An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain funds."

Also, "An Act supplemental to an Act approved February eighteenth, one thousand eight hundred and fifty-nine, entitled an Act amendatory

of, and supplemental to, an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight."

Also, "An Act authorizing and empowering the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for contingent purposes."

Also, "An Act to incorporate the City of San José."

JOHN B. WELLER.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 127, "An Act extending the privileges of the Homestead Law to certain persons," was taken up.

The question being upon ordering the bill engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Burch, Berry, and Griffith.

Pending which, Mr. Parker moved a call of the Senate.

Sustained.

Roll called.

Absent—Messrs. Grant, Anderson, Price, and Quinn.

Sergeant-at-Arms dispatched for absentees.

Messrs. Anderson, Price, Pacheco, and Quinn, appearing at the bar of the Senate, were admitted.

On motion of Mr. Griffith, further proceedings under the call were dispensed with.

Mr. Quinn in the Chair.

Mr. Griffith moved to suspend the rules, consider the bill engrossed, and read a third time.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Burch, and Lansing.

Pending which, Mr. Anderson moved a call of the Senate.

Sustained.

Roll called.

Absent—Messrs. Dickinson, Grant, Pacheco, Hart, Lansing, Phelps, and Thom.

Messrs. Dickinson, Phelps, Thom, Pacheco, and Grant, appearing at the bar of the Senate, were admitted.

On motion of Mr. Burch, further proceedings under the call were dispensed with.

The question recurring upon ordering the bill engrossed, and read a third time, the ayes and noes were taken, with the following result: ayes, 21—noes, 13:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Dent, Dickinson, Grant, Gregory, Griffith, Hart, Holden, Ketcham, McDonald, O'Farrell, Pacheco, Parker, Quinn, Redman, Titus, and Williams—21.

NOES—Messrs. Berry, Burch, Burton, Denver, Garter, Hamm, Kirkpatrick, Merritt, Parks, Phelps, Price, Thom, and Wheeler—13.

So the bill was ordered engrossed, and read a third time.

President *pro tem.* in the Chair.

Mr. Kirkpatrick, by leave, introduced a bill for "An Act levying the

taxes for the year one thousand eight hundred and fifty-nine in the County of Sierra, for County purposes."

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Gregory, pursuant to notice given on yesterday, moved to reconsider the vote by which the Senate passed Senate bill No. 110, "An Act making an appropriation for a wagon-road over the Sierra Nevada."

The question being on the reconsideration, Mr. Berry rose to a point of order:

"The question having been reconsidered, can not be reconsidered the second time."

The Chair decided the point of order well taken.

Mr. Gregory appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. Price moved a call of the Senate.

Sustained.

Roll called.

Absent—Messrs. Phelps and Williams.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Burton, Bradley, and Merritt, and taken, with the following result: ayes, 11—noes, 18:

Ayes—Messrs. Anderson, Berry, Burton, Denver, Grant, Hart, Hamm, McDonald, Parker, Price, and Titus,—11.

Noes—Messrs. Allen, Baker, Ballou, Bradley, Burch, Dent, Garter, Gregory, Griffith, Holden, Ketcham, Kirkpatrick, Merritt, O'Farrell, Parks, Phelps, Quinn, and Wheeler—18.

Declined—Messrs. Pacheco, Redman, and Thom, declined to vote.

So the Senate refused to sustain the decision of the Chair.

The question being on the reconsideration of the vote by which the Senate passed the bill on yesterday, the ayes and noes were demanded, by Messrs. Thom, Gregory, and Burton, and taken, with the following result: ayes, 17—noes, 15:

Ayes—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Burton, Dent, Garter, Gregory, Holden, Ketcham, Kirkpatrick, Lansing, Quinn, Redman, Thom, and Wheeler—17.

Noes—Messrs. Berry, Burch, Dickinson, Denver, Grant, Griffith, Hart, Hamm, McDonald, O'Farrell, Parks, Parker, Phelps, Price, and Titus—15.

Declined—Mr. Pacheco declined to vote.

So the motion to reconsider was adopted.

The question being on the passage of the bill—

Mr. McDonald rose to a point of order: "It is not in order to consider this bill now, as it has once before been reconsidered."

The Chair decided that the point of order was not well taken.

Mr. Wheeler moved to make the bill the special order of the day for Saturday, March nineteenth, at half past eleven o'clock, A. M.

Mr. Griffith moved that the Senate do now adjourn, upon which, the

ayes and noes were demanded, by Messrs. Thom, Burton, and Lansing, and taken, with the following result: ayes, 18—noes, 16:

AYES—Messrs. Berry, Burch, Dent, Dickinson, Denver, Grant, Griffith, Hart, Hamm, McDonald, Merritt, O'Farrell, Parks, Parker, Price, Redman, Titus, and Wheeler—18.

NOES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Burton, Garter, Gregory, Holden, Ketcham, Kirkpatrick, Lansing, Pacheco, Phelps, Quinn, and Thom—16.

So the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.* of the Senate.

Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

THURSDAY, March 17, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures have examined the number of folios copied into the Journal-book of the Senate, to page five hundred and sixty-two, inclusive, and the number of folios copied for the Printer, and beg leave to present the accompanying report of the number of folios, and the amount allowed for the same.

C. E. THOM,
Chairman of the Committee.

State of California, To E. C. PALMER, Secretary of the Senate, Dr.,

To copying into Senate Journal, from pages 488 to 562, inclusive, being, 525 folios, at fifteen cents per folio	$78 75
To copying 525 folios for Printer, at ten cents per folio	52 50
To copying Senate bill No. 159, 20 folios, at ten cents per folio	2 00
Total	$133 25

MARCH 14, 1859.

Examined, audited and allowed.

C. E. THOM,
Chairman of Committee on Public Expenditures.

Report accepted, rules suspended, taken up, and adopted.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Charles Forman, and Alfred H. Estill, for writing up the Journals of the Senate for the ninth session, have had the same under consideration, and report the same back, with the following bill, and recommend its passage.

E. GARTER, Chairman.

Reported back, and, with bill, placed on file.

Also, the following report, from the same:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of O. L. Shafter, J. M. Shafter, and Solomon Heydenfeldt, for legal services on behalf of the State of California, in thirty-six Chancery-suits against the Tax-Collector of San Francisco, in the month of December, one thousand eight hundred and fifty-seven, have had the same under consideration, and report the same back, with the accompanying bill, and recommend its passage.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 169, an Act fixing the times of holding the Courts of Sessions, and County Courts, in the County of Shasta, and to change the manner of summoning juries for the County Courts of said County, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 181, an Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed, have had the same under consideration, report the same back, and recommend its passage.

J. C. BURCH, Chairman,

Report accepted, and, with bill, placed on file.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly bill No. 195, an Act to authorize the State Treasurer to issue to George Campbell a duplicate school-land warrant, in lieu of a certain other warrant, given up to be canceled, was taken from the file, and considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

On motion of Mr. Berry, the rules were suspended, and Assembly bill

No. 181, an Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed, was taken from file, and considered in Committee of the Whole.

IN SENATE.

Reported back, read a third time, and passed.

On motion of Mr. Burton, the rules were suspended, and the general file taken up.

GENERAL FILE.

Senate bill No. 82, "An Act making certificates of purchase evidence of title—"

On motion of Mr. Holden, the vote by which the Senate concurred in the first Assembly amendment to the bill was reconsidered.

On motion of Mr. Burton, the Senate refused to concur in the Assembly amendments.

Assembly bill No. 194, "An Act to fund certain claims against Sacramento County"—the rules were suspended, and the reading of the bill dispensed with. The bill was then read a third time, and passed.

Assembly bill No. 183, "An Act to fix the time of holding the County Court and the Court of Sessions, in the County of Tehama, and the Court of Sessions, County Court, and the Probate Court, in the County of Colusa—"

On motion of Mr. Burton, the reading of the bill by sections was dispensed with.

The bill was then read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate, that the Assembly, on the fourteenth instant, passed Assembly bill No. 214, an Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco;

Also, on yesterday, passed Assembly No. 233, an Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal all former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five;

And Senate bill No. 155, an Act to authorize the executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased at public or private sale.

C. GILMAN, Clerk of Assembly.

Assembly bill No. 214, "An Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco," taken up, read first and second times, and referred to the delegation from San Francisco and San Mateo.

Assembly bill No. 233, "An Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal all former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five," read first and second times, and referred to the Committee on Education, and the usual number of copies of the bill ordered printed.

GENERAL FILE RESUMED.

Senate bill No. 176, "An Act making an appropriation for the purpose of paying Peter H. Burnett for back salary due him as Justice of the Supreme Court," taken up, read first and second times, rules suspended, bill considered engrossed.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Berry, Griffith, and Burton.

Mr. Parker moved a call of the Senate.

Sustained.

Roll called.

Absent—Messrs. Ballou, Grant, Hart, Ketcham, Kirkpatrick, O'Farrell, and Williams.

Mr. Kirkpatrick, appearing at the bar of the Senate, was admitted.

On motion of Mr. Parker, further proceedings under the call were dispensed with.

The question recurring on the passage of the bill, the ayes and noes were taken, with the following result: ayes, 15—noes, 10:

AYES—Messrs. Anderson, Allen, Berry, Burch, Dent, Dickinson, Denver, Garter, Gregory, Holden, Kirkpatrick, Merritt, Price, Redman, and Titus—15.

NOES—Messrs. Baker, Bradley, Hamm, McDonald, Parks, Parker, Phelps, Quinn, and Wheeler—10.

DECLINED—Messrs. Ballou, Lansing, and Thom, declined to vote.

So the bill passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on the fourteenth instant, passed Assembly bill No. 252, an Act to amend an Act entitled an Act to provide for the payment of the debt of Humboldt County, that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Also, this day, passed Senate bill No. 165, an Act to enable parties therein named to partition or sell real estate.

C. GILMAN, Clerk.

MARCH 17, 1859.

Assembly bill No. 252, "An Act to amend an Act entitled an Act to provide for the payment of the debt of Humboldt County that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven," approved April twenty-sixth, one thousand eight hundred and fifty-eight, taken up, read first and second times, rules further suspended, bill read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State, taken up, considered in Committee of the Whole.

Pending consideration of the bill, Mr. Parker in the Chair—

Mr. Lansing moved that the Senate do now adjourn, in honor of Saint Patrick's Day.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Berry, and Kirkpatrick, and taken, with the following result: ayes, 10—noes, 14:

AYES—Messrs. Allen, Baker, Ballou, Garter, Gregory, Griffith, Hamm, Lansing, Parker, and Quinn—10.

NOES—Messrs. Anderson, Berry, Bradley, Burton, Dent, Dickinson, Holden, Kirkpatrick, McDonald, Parks, Phelps, Redman, Titus, and Williams—14.

So the Senate refused to adjourn.

Further consideration of Senate bill No. 184—

Pending which, Mr. Thom moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Phelps, Kirkpatrick, and Denver, and taken, with the following result: ayes, 9—noes, 12:

AYES—Messrs. Allen, Denver, Garter, Grant, Gregory, Hamm, Parks, Thom, and Williams—9.

NOES—Messrs. Anderson, Baker, Bradley, Burch, Burton, Dickinson, Holden, Kirkpatrick, McDonald, Parker, Phelps, and Redman—12.

So the Senate refused to adjourn.

Further consideration of Senate bill No. 84, in Committee of the Whole. Bill amended.

IN SENATE.

Reported back, amendments of Committee concurred in, with exception of the amendments to section sixty-five.

On motion of Mr. Burton, the amendments to section sixty-five were concurred in.

Mr. Berry offered the following amendment, which was adopted:

Section seven, lines second and third, strike out the words "appoint a suitable person," and insert in lieu thereof, the words "order an election;" and strike out all after the word "term," in the third line.

Also, the following amendment, which was adopted:

Section twenty-five, line third, after the word "shall," strike out the words "forthwith appoint a suitable person," and insert the words "order an election;" and strike out the fourth and fifth lines.

Mr. Anderson offered the following amendment, which was lost:

Amend, by adding to the end of section six:

"Minor children may redeem any property sold for taxes, as herein provided, at any time before the expiration of one year after they shall have arrived at the age of majority, by paying the amount required to be paid for redemption in other cases, as in this section specified, together with interest on the said amount, at the rate of ten per cent. per annum, from the date of six months after said property was sold, up to the time when said redemption shall be forfeited."

Mr. Baker offered the following amendment to section twenty-six, line third, which was lost:

Strike out, in line third, section twenty-sixth, the words "who does not own real estate."

Mr. Burch moved to strike out section third.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Lansing, and Burton, and taken, with the following result: ayes, 8—noes, 20:

AYES—Messrs. Allen, Baker, Ballou, Burch, Hamm, Holden, Merritt, and Price—8.

NOES—Messrs. Anderson, Berry, Bradley, Burton, Dent, Dickinson, Denver, Garter, Kirkpatrick, Lansing, Pacheco, Parks, Parker, Phelps, Quinn, Redman, Thom, Titus, Wheeler, and Williams—20.

DECLINED—Mr. McDonald declined to vote.

So the motion to strike out the third section of the bill was lost.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 189, an Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, A. D. one thousand eight hundred and fifty-seven, and of an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight:

Also, Senate bill No. 173, an Act to appropriate money for the payment of certain claims;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

Mr. Lansing, Chairman of the Committee on Contingent Expenses presented certain accounts, and moved their reference to the Committee on Contingent Expenses.

Which was adopted.

On motion of Mr. Merritt, the usual number of copies of Senate bill No. 182, an Act to enable the California Great Trunk of the Pacific and Atlantic Railroad Company, to build and equip a railway from the City of San Francisco to the eastern boundary of the State, was ordered printed.

On motion of Mr. Redman, the usual number of copies of Senate bill No. 179, an Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in Railroad Companies, was ordered printed.

Mr. Pacheco, by leave, made a verbal report on Assembly bill No. 234, An Act to change the time of holding the terms of the District Court, Court of Sessions, County Courts, and Probate Courts, within the Second Judicial District, recommending its passage.

Bill placed on file.

Mr. Baker moved that Senate bill No. 154, an Act amending an Act entitled an Act to provide revenue for the support of the Government of this State, be made the special order of the day for to-morrow, Friday, March eighteenth, at twelve o'clock, M.

Pending which, Mr. Griffith moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Berry, and Burch, and taken, with the following result: ayes, 16—noes, 11:

Ayes—Messrs. Allen, Dent, Dickinson, Denver, Garter, Griffith, Hamm, Ketcham, Lansing, Pacheco, Parks, Price, Thom, Titus, Wheeler, and Williams—16.

Noes—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, McDonald, Merritt, Parker, Quinn, and Redman—11.

So the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. Palmer, Secretary.

IN SENATE.

Friday, March 18, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the chair.

Roll called.

Journal of yesterday read and approved.

Mr. Gregory asked and obtained indefinite leave of absence, for Mr. O'Farrell.

Mr. Burton offered the following resolution, which was adopted:

Resolved, That a Committee of three be appointed, with full power to send for persons and papers, to visit the State-prison, and examine all matters connected therewith.

PETITIONS.

Mr. Baker presented a petition from citizens of Placer County, praying the Legislature to pass a Sunday law.

Referred to the Committee on Public Morals.

Mr. Merritt presented a petition from citizens of Mariposa County, asking the Legislature to pass a law for the relief of Wm. A. King, Treasurer of said County, who was robbed of the State funds, while on his way to the City of Sacramento to make his half-yearly settlement in July, one thousand eight hundred and fifty-eight.

Refered to the Senator from the Sixth Senatorial District.

Mr. Merritt presented a petition from citizens of San Joaquin County, relative to relief for Wm. A. King, Treasurer of Mariposa County.

Referred to the Senator from the Sixth Senatorial District.

REPORTS.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures, to whom was referred the statement of the expenditure of the Contingent Fund of Attorney-General, from January first, one thousand eight hundred and fifty-eight, to January first, one thousand eight hundred and fifty-nine, have had the same under consideration, and beg leave to report to the Senate, that on the first day of January, one thousand eight hundred and fifty-eight, there was, in the Contingent Fund, for the Attorney-General's office, the sum of three hundred and thirty dollars, which was expended in the manner set out in the account herewith returned; that on the twenty-ninth day of March, one thousand eight hundred and fifty-eight, the sum of three hundred dollars was appropriated to cover deficiencies for the ninth fiscal year, which amount was expended by the first day of July, one thousand eight hundred and fifty-eight; that, by the General Appropriation Law, for the tenth fiscal year, six hundred dollars were set apart as the Contingent Fund for that year, of which amount the sum of two hundred and eighty-one dollars and twenty-four cents was expended up to the first of January, one thousand eight hundred and fifty-nine, leaving a balance in said Fund, on that day, of three hundred and eighteen dollars and seventy-five cents.

THOM, Chairman Committee.

Report accepted, and placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate bill No. 192, an Act levying the taxes for the year one thousand eight hundred and fifty-nine, in the County of Sierra, for County purposes.

Also, Senate bill No. 176, an Act making an appropriation for the purpose of paying Peter H. Burnett, for back salary, due him as Justice of the Supreme Court.

Also, Senate bill No. 127, an Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same.

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Adam Schuppert, for printing and translating the report of the Superintendent of Public Instruction in the German language, have had the same under consideration, and report the same back, with the accompanying bill, and recommend its passage.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Also, the following, from the same:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Michael Fennel, for loss sustained by him, on contract for the erection of the north wing of the Insane Asylum, in one thousand eight hundred and fifty-six—Messrs. Burton, Baker, and Dickinson, rec_

ommend the same be rejected; and Messrs. Garter and Lansing, of the Senate Committee, and Messrs. Laspeyre, Tully, Shannon, and G. N. Douglass, of the Assembly Committee, recommend the same be allowed, and report same back, with the accompanying bill, and recommend the passage of same.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Parker, of the San Francisco and San Mateo delegation, made the following report:

Mr. President:—The undersigned, members of the San Francisco delegation, to whom was referred Assembly bill No. 239, an Act to provide for the location of slaughter-houses in the City and County of San Francisco, have had the same under consideration, and report the same back, recommending its indefinite postponement.

S. H. PARKER,
CHAS. H. F. WILLIAMS,
T. G. PHELPS,
Senators from Fifth District.

Report accepted, and, with bill, placed on file.

Mr. Quinn, of the Tuolumne delegation, made the following report:

Mr. President:—The delegation to whom was referred Assembly bill No. 256, an Act to define the boundary-line of Tuolumne County, report the bill back to the Senate, with amendments, and recommend its passage, as amended.

QUINN, of the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Ballou, pursuant to notice, introduced a bill for an Act to repeal an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two.

Which was read first and second times, and placed on file.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, passed Assembly bill No. 243, an Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an Attorney and Counselor-at-Law.

Assembly bill No. 249, an Act supplementary to, and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight.

Also, adopted substitute for Senate Concurrent-Resolution No. 29, relative to the establishment of a semi-weekly mail from San Francisco to Los Angeles.

C. GILMAN, Clerk.

March 18, 1859.

Assembly bill No. 243, an Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an Attorney and Counselor-at-Law, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 249, an Act supplementary to, and amendatory of,

an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight, read first and second times, and referred to Senator from that district.

Assembly Joint-Resolution, substitute for Senate Concurrent-Resolution No. 29, relative to the establishment of a semi-weekly mail from San Francisco to Los Angeles, was taken up, read first and second times, and referred to the Senator from that district.

The Chair here announced the Committee, in conformity with the resolution passed relative to visiting the State-prison, consisting of Messrs. Berry, Anderson, and Bradley.

On motion of Mr. Burton, the unfinished business was taken up, and placed on the general file.

On motion of Mr. Burton, the usual number of copies of engrossed copy of Senate bill No. 84, an Act to provide revenue for the support of the Government of this State, was ordered printed.

On motion of Mr. Phelps, Senate substitute for Assembly bill No. 82, an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundary of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, was taken from the file, and adopted.

On motion of Mr. Phelps, the consideration of the bill, in Committee of the Whole, was dispensed with.

The bill was then read a third time, and passed.

On motion of Mr. Grant, Assembly bill No. 190, an Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon, was taken from the file.

Considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMMENT,
Sacramento, March 18, 1859.

To the Senate of California:

I beg leave to call your attention to an Act of the sixteenth instant, concerning Notaries Public in certain Counties. An error was committed in enrolling the bill, which escaped my observation at the time it was approved, which should be corrected. It will be seen that Tuolumne County is placed amongst the class entitled to thirteen Notaries, and then, in another portion of the bill, is put in with the Counties entitled to ten, only.

As I have already acted under this bill, and appointed an additional Notary in that County, it is necessary to pass a declaratory law to remove the difficulty.

JOHN B. WELLER.

On motion of Mr. Berry, the motion to reconsider Assembly bill No. 157, "An Act to authorize the Secretary of State to purchase one thou-

sand copies of the California State Register, and to distribute the same," which was laid on the table, was taken up.

The question being upon reconsidering the vote by which the Senate refused to pass the bill—

Mr. Berry moved the previous question.

Which was seconded by a majority of the whole Senate.

The question being, "Shall the previous question be sustained?" the ayes and noes were demanded, by Messrs. Griffith, Berry, and Burton, and taken, with the following result: ayes, 19—noes, 12:

Ayes—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Grant, Hamm, Holden, Lansing, Pacheco, Parks, Quinn, Redman, Thom, and Williams—19.

Noes—Messrs. Allen, Ballou, Griffith, Ketcham, Kirkpatrick, McDonald, Merritt, Parker, Phelps, Price, Titus, and Wheeler—12.

So the previous question was sustained.

The question being, "Shall the main question now be put?"

Mr. Burton rose for information from the Chair: "Had not the previous question been previously sustained."

The Chair decided it had; but the question, "Shall the main question now be put?" had not been voted on.

Mr. Burton appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

The question was put, and the decision of the Chair was not sustained.

The question recurring upon reconsidering the vote by which the Senate refused to pass the bill, the ayes and noes were demanded, by Messrs. Burton, Lansing, and Thom, and taken, with the following result: ayes, 10—noes, 19:

Ayes—Messrs. Kirkpatrick, McDonald, Merritt, Pacheco, Parker, Phelps, Price, Titus, Wheeler, and Williams—10.

Noes—Messrs. Anderson, Allen, Baker, Ballou, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Hamm, Holden, Ketcham, Lansing, Parks, Quinn, Redman, and Thom—19.

So the motion was lost.

On motion of Mr. Griffith, the claim of D. H. Whipley was recommitted to the Committee on Claims.

Mr. Ballou asked and obtained leave of absence, for Mr. Hart, for one day.

Mr. Burch asked and obtained indefinite leave of absence, for Messrs. Berry, Anderson, and Bradley.

GENERAL FILE.

Assembly bill No. 196, "An Act to change the name of Jacob Schlechwey, to that of Jacob Robinson, was taken up, and read a third time, and passed."

Assembly bill No. 164, "An Act to provide for the establishment of a State-prison Library," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,
Sacramento, March 18, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim, which has been passed upon by the Board of Examiners, together with the papers and opinion of the Board, to wit:

Claim of David Weaver, relief for one hundred and four lost poll-tax receipts.

JOHN B. WELLER,
President of the Board of Examiners.

Communication, with papers accompanying the same, referred to the Committee on Claims.

GENERAL FILE RESUMED.

Senate bill No. 143, an Act amendatory of an Act entitled "An Act to regulate fees in office in certain Counties of this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven, taken up, ordered engrossed, and read a third time.

On motion of Mr. Merritt, Assembly bill No. 239, "An Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco," considered in Committee of the Whole, and amended.

Mr. Williams presented a preamble and resolutions, from the Board of Supervisors of the City and County of San Francisco, against the passage of the bill under consideration.

REPORTS.

Mr. Grant, by leave, made the following report:

MR. PRESIDENT:—The undersigned, of the Special Committee to whom was referred Assembly bill No. 239, "An Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco," has considered the same, and recommends its passage by the Senate.

GILBERT A. GRANT,
Senator Fifth District.

Report accepted.

Mr. Merritt, by leave, offered the following report, from the Assembly Committee, relative to the bill under consideration:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 239, "An Act to provide for the location of slaughter-

houses, corrals, and cattle-pens, in the City and County of San Francisco," have had the same under consideration, and recommend that the same be passed.

HILL,
MOORE,
SHEPARD,
LULL,
PIXLEY,
TAYLOR.

Mr. Anderson presented affidavits of John A. White and Wm. G. Wood, relative to the bill under consideration.

IN SENATE.

Bill reported back, amendments of Committee concurred in.

The question being upon the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Merritt, Lansing, and Kirkpatrick, and taken, with the following result: ayes, 15—noes, 11:

AYES—Messrs. Burton, Dickinson, Denver, Gregory, Hamm, Ketcham, Merritt, Pacheco, Parker, Phelps, Price, Thom, Titus, Wheeler, and Williams—15.

NOES—Messrs. Allen, Baker, Burch, Garter, Grant, Griffith, Holden, Kirkpatrick, Lansing, Parks, and Quinn—11.

Mr. Dent declined to vote.

So the bill was indefinitely postponed.

Mr. Merritt gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Mr. Parker, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have, this eighteenth day of March, at one o'clock, P. M., one thousand eight hundred and fifty-nine, presented to the Governor, for his signature, Senate bill No. 169, "An Act fixing the time of holding the Courts of Sessions, and County Courts, of the County of Shasta, and to change the manner of summoning juries for the County Courts of said County.

E. GARTER, of Committee.

Report accepted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 18, 1859.

To the Senate of California:

I have the honor to inform your honorable body, that I did, on this day, approve an Act entitled "An Act fixing the time of holding the Courts of Sessions, and County Courts, in the County of Shasta, and to change the manner of summoning juries for the County Courts of said County."

JOHN B. WELLER.

GENERAL FILE RESUMED.

Assembly bill No. 173, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven," was taken up, and indefinitely postponed.

On motion of Mr. Burch, Senate bill No. 166, "An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State," was taken from the file, and made the special order of the day for Friday, March twenty-fifth, at twelve o'clock, M.

On motion of Mr. Redman, Senate bill No. 138, an Act authorizing Solon S. Simonds to construct a canal in Santa Clara County," was taken from the file, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 90, "An Act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State," was taken from the file, and made the special order of the day for Saturday, March nineteenth, at twelve o'clock, M.

Mr. Williams, by leave, reported back Assembly bill No. 214, an Act to provide for the payment of judgments against the City, the County, and City and County of San Francisco, and moved that the usual number of copies of the bill be ordered printed.

Which was adopted.

On motion of Mr. Wheeler, the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

SATURDAY, March 19, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Merritt presented a petition from citizens of Mariposa County, relative to the affairs of William A. King, Treasurer of said County.

Referred to the Committee on Finance.

Mr. Dent presented a remonstrance from the citizens of San Joaquin County, relative to the division of said County.

Which was laid on the table.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 161, "An Act relating to the possession of lands, the recording of conveyances, and the effect thereof," have had the same under

consideration, report the bill back, and recommend its passage, as amended.

Amend by striking out section eleventh.

Assembly bill No. 192, "An Act to legalize the acknowledgments heretofore taken by any Deputy-Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State," have had the same under advisement, report the bill back, and the majority recommend its passage.

Senate bill No. 98, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," have had the same under consideration, report the bill back, and recommend its passage, as amended.

Amend by adding to the title the words, "Passed April twenty-ninth, one thousand eight hundred and fifty-one."

Amend, also, by adding, after section one, the following words: Section four hundred and three of said Act is hereby amended so as to read as follows: "Section four hundred and three."

Senate bill No. 186, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases," have had the same under consideration, report the bill back, amended, and recommend its passage, as amended.

Amend by adding section two.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Ketcham, Chairman of the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT:—The Committee on Mines and Mining Interests have had under consideration Senate Joint-Resolution No. 28, and respectfully ask leave to report, that in the opinion of your Committee, the passage of a law by Congress, "reserving, in all sales of public lands, the minerals therein contained," is not necessary to remedy the evils set forth in the preamble. By Act of Congress, passed March third, A. D. one thousand eight hundred and fifty-three, the mineral lands of this State are excepted from surveys, except for the purpose of establishing Township-lines, and are specially excepted from sales. All surveys to sectionize the mineral lands are, therefore, made without authority of law, and all sales of those lands are void, for want of authority. The opinions given by one of the former Attorney-Generals of the United States, and reiterated by his successors in office, are direct and explicit upon this point. Under the head of Land Patents, page one hundred and eighty-six, Farnham's Reports, the opinion given is as follows:

"Lands excepted from sale, by Acts of Congress, ought not to be sold, and if they are inadvertently sold, the sale is void, for want of authority. The sale was void in its inception, and such lands remain among the unsold lands of the United States. It will be far better to undo, or to consider as already absolutely undone, what has been done without authority. These sales are now, in legal contemplation, mere nullities. My opinion and advice is, that the purchasers from the United States be informed of these mistakes, and that, in so far as their purchases have included lands inadvertently sold without authority, they are void."

The mineral lands being excepted from sale, and all sales thereof void, there can be no necessity for a law excepting from sale the minerals contained therein. Such a law would have a tendency to bring into market the mineral lands of this State, with the above reservations. And your

Committee believe that the sale of the mineral lands, with any reservation whatever, would be subversive of the interest of the mining, as of all the other industrial classes in this State. For these, and other reasons, your Committee unanimously recommend the indefinite postponement of the resolution.

The Committee have also had under consideration Assembly bill No. 140, an Act in relation to mining partnerships, and Messrs. Dickinson, Berry, Burton, Quinn, and Ketcham, recommend the indefinite postponement of the bill.

Mr. Bradley recommends its passage, and Mr. Ballou recommends its passage, with the accompanying amendment.

KETCHAM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Denver, from the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate bill No. 155, an Act to authorize the executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased at public or private sale;

Also, Senate bill No. 165, an Act to enable parties therein named, to partition or sell real estate;

And find the same correctly engrossed.

A. St. C. DENVER, for Committee.

March 19, 1859.

Report accepted.

Mr. Thom, of the Special Committee, made the following report:

Mr. President:—The Special Committee, to whom was referred Senate Joint-Resolution No. 29, relative to the establishment of a semi-weekly newspaper-mail from San Francisco to Los Angeles, with the amendments proposed thereto by the Assembly, have had the same under consideration, and ask leave to report the resolutions back, with amendments.

THOM, of Committee.

Report accepted, and resolution placed on file.

Mr. Phelps, of the San Francisco and San Mateo delegation, made the following report:

Mr. President:—The delegation from San Francisco and San Mateo, to whom was referred Senate bill No. 167, an Act concerning roads and highways, in the City and County of San Francisco, have had the same under consideration, and report the bill back, and recommend its passage.

PHELPS, for the Delegation.

Report accepted, and, with bill, placed on file.

On motion of Mr. Thom, the rules were suspended, and "Joint-Resolution No. 39, relative to a semi-weekly newspaper-mail, overland, between San Francisco, Los Angeles, San Bernardino, and San Diego," was taken from file, and considered in Committee of the Whole.

Reported back, read a third time, and passed.

Mr. Merritt rose to a question of privilege, for the purpose of making a motion to reconsider.

On motion of Mr. Merritt, the motion to reconsider the vote by which the Senate refused to pass Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco, was made the special order of the day, for Wednesday, March twenty-third, at twelve o'clock, M.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for "An Act to authorize the collection of certain taxes, within this State."

Read first and second times, and referred to the Judiciary Committee, and the usual number of copies ordered printed.

Mr. Merritt, by leave, introduced a bill for "An Act for the relief of William A. King, County Treasurer of Mariposa County."

Read first and second times, and referred to the Finance Committee, with petitions relative to the same.

Mr. Price, by leave, introduced a bill for "An Act for a more thorough distribution of the Laws of this State."

Read first and second times, and referred to the Judiciary Committee.

Mr. Griffith, by leave, introduced a bill for "An Act for the settlement of the estate of William Knight, deceased."

Read first and second times, and referred to the Judiciary Committee.

Mr. Ballou, by leave, introduced a bill for "An Act to prohibit the adulteration of wines and liquors."

Read first and second times, and referred to the Committee on Public Morals.

Mr. Quinn, by leave, introduced a bill for "An Act explanatory of an Act to amend an Act concerning Notaries Public, passed March sixteenth, one thousand eight hundred and fifty-nine."

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Williams, by leave, introduced a bill for "An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons."

Read first and second times, and referred to the Judiciary Committee, and the usual number of copies of the bill ordered printed.

Mr. Gregory, by leave, introduced a bill for "An Act to fix the compensation of District-Attorney of Santa Cruz County."

Read first and second times, rules further suspended, bill considered engrossed.

Pending which, the hour arrived for the special order of the day.

On motion of Mr. Gregory, the special order of the day was laid on the table.

The bill was read third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 19, 1859.

To the Senate of California:

I transmit, herewith, the Annual Report of the State Agricultural Society, which was placed in my hands on yesterday.

JOHN B. WELLER.

Message, with accompanying papers, referred to the Committee on Agriculture.

FURTHER MESSAGE FROM THE GOVERNOR.

OFFICE BOARD OF EXAMINERS,
Sacramento, March 18, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim which has been received and passed upon by the Board of Examiners, since my last report, for arrests of escaped convicts, to wit:

John C. Boggs, for arresting one Henry Holeman, an escaped convict from State-prison, $50.

JOHN B. WELLER,
President Board of Examiners.

Communication referred to the Committee on Finance.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 192, "An Act levying the taxes for the year one thousand eight hundred and fifty-nine, in the County of Sierra, for County purposes.

Also, Assembly bill No. 11, "An Act concerning marriages and divorces."

C. GILMAN, Clerk.

MARCH 19, 1859.

Assembly bill No. 11, "An Act concerning marriages and divorces," taken up, read first and second times, and referred to Judiciary Committee.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, this day, adopted the following resolution:

Resolved, That the Senate be requested to furnish this House the reports of the State officers in relation to the expenditures of their Contingent Funds.

C. GILMAN, Clerk.

MARCH 19, 1859.

On motion of Mr. Burton, the Secretary was instructed to transmit to the House, the papers in accordance with the resolution of the Assembly.

On motion of Mr. Burton, the special order of the day was taken from the table.

SPECIAL ORDER OF THE DAY.

Senate bill No. 90, "An Act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State," taken up, and considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, and made the special order of the day, for Tuesday next, at twelve o'clock, M.

On motion of Mr. Gregory, the usual number of copies of the bill was ordered printed.

Mr. Burch moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Gregory, Titus, and Denver, and taken, with the following result: ayes, 12—noes, 7:

AYES—Messrs. Baker, Burch, Burton, Dent, Dickinson, Garter, Holden, Kirkpatrick, Parks, Price, Thom, and Mr. Wheeler—12.

NOES—Messrs Ballou, Denver, Gregory, Griffith, McDonald, Merritt, and Mr. Titus—7.

So the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

MONDAY, March 21, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Mr. Parks asked and obtained leave of absence, for Mr. Allen, for one day.

Mr. Ballou asked and obtained leave of absence, for Mr. Hart, for one day.

Mr. Griffith asked and obtained leave of absence, for Mr. Ketcham, for one day.

Mr. Ballou asked and obtained leave of absence, for Mr. Grant, for one day.

Journals of yesterday read and approved.

Mr. Burton, of the Committee on Finance, made a verbal report, on various reports of the Contingent Expenses of the State Officers, which were ordered to be sent to the Assembly, in accordance with a resolution which passed that body on Saturday, nineteenth instant.

Mr. Quinn, by leave, introduced a bill for an Act fixing the time of holding the Courts of Sessions, and County Court, in the County of Tuolumne.

Which was read first and second times, rules further suspended, bill considered in Committee of the Whole.

IN SENATE.

Reported back, rules further suspended, bill considered engrossed, read a third time, and passed.

REPORTS.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom was referred certain accounts herein named, have examined the same, and recommend they be allowed:

Morning Star	$6 00
Mariposa Star	7 50
Total	$13 50

C. J. LANSING, Chairman.

Report accepted, and, with accounts, placed on file.

On motion of Mr. Gregory, Senate bill No. 15, "An Act to regulate the creation of homesteads," was taken from file, and made the special order of the day for Tuesday, March twenty-second, at half-past eleven o'clock, A. M.

GENERAL FILE.

Senate bill No. 152, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax to be levied and collected from foreign and inland bills, and other matter, approved April twenty-ninth, one thousand eight hundred and fifty-seven," considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 127, "An Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same"—

On motion of Mr. Burton, the bill was made the special order of the day for Friday next, March twenty-fifth, at twelve o'clock, M.

Senate bill No. 72, "An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose," approved April twenty-eighth, one thousand eight hundred and fifty-seven, considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on Saturday, March nineteenth, passed Assembly bill No. 182, an Act concerning certain acknowledgments of deeds, and other instruments in writing, affecting real estate.

Also, Assembly bill No. 241, an Act to legalize a certain conveyance, made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre.

Also, Senate bill No. 113, an Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain persons therein named.

Also, with amendments, Senate bill No. 158, an Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes, and ask the concurrence of the Senate.

Also, concurred in Senate amendment to Assembly bill No. 164, an Act to provide for the establishment of a State-prison library.

Also, passed Senate substitute for Assembly bill No. 82, an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six.

Also, Assembly bill No. 43, an Act to authorize the formation of Joint-Stock-Associations, for savings, deposit, and discount.

Also, refused to recede from Assembly amendments to Senate bill No 82, an Act making certificates of purchase evidence of title.

And appointed Messrs. Holman, Cope, and Dunlap, a Committee of Free Conference, and ask for the appointment of a similar Committee on the part of the Senate.

C. GILMAN, Clerk.

MARCH 21, 1859.

Assembly bill No. 182, an Act concerning certain acknowledgments of deeds, and other instruments in writing, affecting real estate, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 241, an Act to legalize certain conveyances made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 43, an Act to authorize the formation of Joint-Stock-Associations for savings, deposits, and discounts, read first and second times, and referred to the Committee on Corporations.

Senate bill No. 158, an Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes, was referred to the Senator from that District.

GENERAL FILE RESUMED.

Assembly bill No. 240, an Act to change and fix the time of holding the Court of Sessions, the County Court, and the Probate Court, of San Bernardino County, taken up, the consideration of the bill in Committee of the Whole dispensed with, the bill was then read a third time, and passed.

The report of the Committee on Claims, rejecting the claim, relative

to paying James Thompson, Sheriff of Los Angeles County, for transporting prisoners from said County to San Quentin, was adopted.

Senate bill No. 144, an Act amendatory of an Act entitled an Act concerning crimes and punishments, made the special order of the day for Friday next, March twenty-fifth, at twelve o'clock, M.

Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County—

On motion of Mr. Kirkpatrick, the consideration of the bill in Committee of the Whole dispensed with, the bill was then read a third time, and passed.

Senate bill No. 168, an Act amendatory and explanatory of a portion of the Acts to provide revenue for the support of the Government of this State, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed—

Pending which, Mr. Quinn moved a call of the Senate.

Adopted.

Roll called.

On motion of Mr. Burch, further proceedings under the call were dispensed with.

The bill was then read a third time, and passed.

On motion of Mr. Merritt, the title of the bill was amended, by striking out the words "and explanatory."

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 21, 1859.

To the Senate of the State of California:

I have, this day, approved an Act to amend an Act entitled an Act to create the office of State-Printer, to define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-four.

JOHN B. WELLER.

MESSAGE FROM THE BOARD OF EXAMINERS.

OFFICE BOARD OF EXAMINERS,
Sacramento, March 21, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, two claims, which have been passed upon by the Board of Examiners, together with the original papers, and opinions of the Attorney-General and Governor, in each case, to wit:

Claim of R. Augustus Thompson.

Claim of Ferris Forman.

JOHN B. WELLER,
President Board of Examiners.

Communication, with accompanying papers, referred to the Committee on Claims.

GENERAL FILE RESUMED.

Senate bill No. 162, an Act regulating the salaries of certain County officers in Sonoma County, taken up, the consideration of the bill in Committee of Whole dispensed with, bill considered engrossed, read a third time, and passed.

Senate bill No. 171, "An Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 150, "An Act providing for the payment of judgments against the several Counties and Cities of this State, and exempting from forced sale, under execution, or other process, all the real and personal property belonging to any County or City of this State."

On motion of Mr. Burch, the bill was indefinitely postponed.

Assembly bill No. 188, "An Act to prevent stallions from running at large, in the County of Sacramento," considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

Assembly bill No. 161, "An Act fixing the salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act"—

The consideration of the bill in Committee of the Whole was dispensed with.

The bill was then read a third time, and passed.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

MR PRESIDENT:—I have, this day, at twelve o'clock, M., delivered to the Governor, for his approval, Senate bill No. 155, "An Act to authorize the executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased at public or private sale."

Also, Senate bill No. 165, "An Act to enable parties therein named to partition or sell real estate.

A. ST. C. DENVER,
Of Committee on Enrolled Bills.

MARCH 21, 1859.

Report accepted.

GENERAL FILE RESUMED.

Senate bill No. 175, "An Act supplementary to an Act entitled an Act to amend an Act to establish an Asylum for the Insane of the State of California," approved May seventeenth, one thousand eight hundred and fifty-four, taken up, considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 228, "An Act to authorize the County Recorder of the County of Tehama to transcribe certain records, in the Counties of Colusa, Shasta, and Butte"—

The reading of the bill in Committee of the Whole dispensed with.

The bill was then read a third time, and passed.

Assembly bill No. 116, "An Act to incorporate the Town of Eureka"—

The reading of the bill in Committee of the Whole dispensed with.

Bill read a third time, and passed.

Assembly bill No. 211, "An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four," considered in Committee of the Whole.

IN SENATE.

Reported back.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Lansing, Titus, and Hamm, and taken, with the following result: ayes, 12—noes, 8:

AYES—Messrs. Burton, Dent, Denver, Gregory, Hamm, Kirkpatrick, Lansing, McDonald, Merritt, Pacheco, Price, and Titus—12.

NOES—Messrs. Baker, Burch, Holden, Parks, Quinn, Redman, Thom, and Wheeler—8.

So the bill passed.

Senate bill No. 163, "An Act to authorize J. Granville Doll to convey water into the Town of Red Bluff, by means of pumps and pipes," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Senate bill No. 206, reported from Committee on Claims, "An Act for the relief of William T. Barbour, late Judge of the Tenth Judicial District," was read first and second times, rules further suspended, bill considered engrossed, and made the special order of the day for Tuesday, March twenty-ninth, at twelve o'clock, M.

Senate bill No. 207, reported by the Committee on Claims, for an Act to audit and allow the claim of Michael Fennel, read first and second times, rules further suspended, bill considered engrossed, read a third time, and made the special order of the day for Wednesday, March twenty-third, at twelve o'clock, M.

Mr. Dent, by leave, introduced a bill for an Act amendatory of an Act to amend an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, one thousand eight hundred and fifty-three, amended April sixteenth, one thousand eight hundred and fifty-eight, which was read first and second times, and referred to the Committee on Hospitals.

Report of the Committee on Claims, rejecting the claim of A. R.

Melony, for services as State Controller, from the twenty-sixth day of April, to the eleventh day of October, A. D. one thousand eight hundred and fifty-eight, was taken up, and adopted.

The bill reported by the Committee on Claims, for an Act to appropriate money to pay Charles Forman, and Alfred H. Estill, for writing Senate Journals of the Ninth Session, was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

The bill reported by the Committee on Claims for an Act to appropriate money for the relief of certain persons, was read first and second times.

Considered in Committee of the Whole.

IN SENATE.

Reported back, rules further suspended, bill considered engrossed.

Read a third time.

On motion of Mr. Burton, the vote by which the bill was read a third time, was reconsidered.

On motion of Mr. Burton, the bill was amended by striking out the following:

"And the sum of twelve hundred and eighty dollars, to J. M. Anderson, for copying, indexing, and punctuating the Journals of the Sixth Session of the Legislature, one thousand eight hundred and fifty-five."

The bill was then considered engrossed, and read a third time.

On motion of Mr. Gregory, the Senate adjourned.

Approved.

W. B. DICKINSON, President *pro tem.*

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

TUESDAY, March 22, 1859.

The Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee have had under consideration, Senate bill No. 199, an Act for the settlement of the estate of Wm. Knight, deceased, and recommend the passage of the bill.

Also, Senate bill No. 187, "An Act to raise revenue for a Chinese Police Fund, and for other purposes."

And a majority of said Committee recommend the indefinite postponement of the bill.

Respectfully submitted,

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 138, "An Act authorizing Solon S. Simonds to construct a canal in Santa Clara County."

Also, Senate bill No 197, an Act to fix the compensation of District-Attorney of Santa Clara County.

Also, Senate bill No. 143, an Act amendatory of an Act entitled "An Act to regulate fees in office in certain counties of the State," approved April twenty-eighth, one thousand eight hundred and fifty-seven.

Also, Senate bill No. 195, An Act explanatory of "An Act to amend an Act concerning Notaries Public, passed April thirteenth, one thousand eight hundred and fifty-seven," passed March sixteenth, one thousand eight hundred and fifty-nine.

Also, Senate bill No. 202, an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Tuolumne.

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and bills placed on file.

Mr. McDonald, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 56, an Act to amend an Act entitled "An Act to regulate proceedings in civil cases, in the Courts of Justice of this State."

And find the same correctly enrolled.

McDONALD, for the Committee.

Report accepted.

Mr. Hamm, Chairman of the Committee on State Hospitals, made the following report:

MR. PRESIDENT:—The undersigned, member of the Committee on State Hospitals, to whom was referred the petition of the Faculty of the Medical Department of the University of the Pacific, have had the same under consideration, and report it back, with the accompanying bill—"An Act to endow the Medical Department of the University of the Pacific," and recommend its passage.

S. F. HAMM, Chairman,
I. S. TITUS,
JOHNSON PRICE.

I recommend the indefinite postponement of the bill.

E. F. BURTON.

Report accepted, and, with bill, placed on file.

Mr. Thom, of a Special Committee, made the following report:

MR. PRESIDENT:—Your Special Committee, to whom was referred Assembly bill No. 35, being an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named, have had the said bill, with the Assembly amendment thereto, under consideration, and beg leave to report the same back to the Senate, for its action.

THOM, of Committee.

Report accepted, and, with bill, placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the nineteenth instant, passed Senate bill No. 119, an Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals, with amendments;

And, also, on yesterday, with amendments, Senate bill No. 93, an Act to provide for the conveyance of mining-claims;

And ask the concurrence of the Senate.

Also, Senate bill No. 160, an Act to authorize the sale of certain real estate by guardians.

Also, Assembly bill No. 145, an Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April twenty-fifth, one thousand eight hundred and fifty-one.

C. GILMAN, Clerk.

MARCH 22, 1859.

Assembly bill No. 145, "An Act amendatory of an Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, read first and second times, and referred to the Committee on Counties and County Boundaries.

Senate bill No. 93, "An Act to provide for the conveyance of mining-claims," reported from Assembly, with amendments, referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Mr. Gregory, by leave, introduced a bill for "An Act to authorize the executors of the last will and testament of Peter Tracy, deceased, to sell certain school-land warrants of the deceased, at private sale."

Read first and second times, and referred to the Judiciary Committee.

Mr. Grant, by leave, introduced a bill for "An Act appropriating moneys for the benefit of certain Orphan Asylums in this State."

Read first and second times, and referred to the Committee on Public Expenditures.

Mr. Wheeler, by leave, introduced a bill for "An Act to provide for settling the boundary-line between the Counties of Yuba and Butte."

Read first and second times, and referred to delegations from Yuba and Butte Counties.

On motion of Mr. Griffith, the rules were suspended, and Senate bill No. 199, "An Act for the settlement of the estate of William Knight, deceased," was taken from the file.

The consideration of the bill in Committee of the Whole was dispensed with, rules further suspended, bill considered engrossed, read third time, and passed.

Mr. Baker, by leave, introduced a bill for "An Act to provide for the better observance of the first day of the week, commonly called Sunday."

Which was read first and second times, and made the special order of

the day for Tuesday, March twenty-ninth, at twelve o'clock, M., and the usual number of copies of the bill ordered printed.

On motion of Mr. Griffith, Assembly bill No. 186, "An Act for the relief of purchasers of lands from the State of California," with substitute reported from Committee on Public Lands, was taken from file, and the usual number of copies ordered printed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 15, "An Act to regulate the creation of homesteads," was taken up.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Gregory, and Burch, and taken, with the following result: ayes, 13—noes, 10:

AYES—Messrs. Burch, Dent, Gregory, Hart, Kirkpatrick, Lansing, Merritt, Pacheco, Price, Redman, Thom, Titus, and Wheeler—13.

NOES—Messrs. Baker, Ballou, Burton, Dickinson, Denver, Garter, Holden, McDonald, Parks, and Phelps—10.

So the bill passed.

On motion of Mr. Holden, a Committee of Free Conference, consisting of three members of the Senate, were appointed to Act with a similar Committee, appointed by the Assembly, on Senate bill No. 82, "An Act making certificates of purchase evidence of title."

The Chair appointed the following Committee, in accordance with the above motion: Messrs. Holden, Garter, and Parker.

GENERAL FILE.

On motion of Mr. Burton, the vote by which Senate bill No. 208, "An Act to appropriate money for the relief of certain persons," was read a third time, was reconsidered.

The bill was then considered in Committee of the Whole.

Pending which, the hour arrived for the

SPECIAL ORDER OF THE DAY.

Senate bill No. 90, "An Act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State," taken up.

The question being on the passage of the bill, the ayes noes and were demanded, by Messrs. Burton, Gregory, and Quinn, and taken, with the following result: ayes, 11—noes, 15:

AYES—Messrs. Baker, Ballou, Burton, Dent, Dickinson, Garter, Grant, Griffith, Holden, McDonald, and Redman—11.

NOES—Messrs. Allen, Burch, Denver, Gregory, Hamm, Kirkpatrick, Lansing, Merritt, Pacheco, Parks, Price, Quinn, Thom, Titus, and Wheeler—15.

So the Senate refused to pass the bill.

Mr. Merritt gave notice that he would, on to morrow, move for a reconsideration of the vote just taken.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made a

verbal report on Senate bill No. 199, "An Act for the settlement of the estate of William Knight, deceased," reporting the bill as correctly engrossed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 22, 1859.

To the Senate of California:

I approved, on yesterday, an Act "To authorize the Executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased, at public or private sale."

Also, an Act, "To enable parties therein named, to partition or sell real estate."

JOHN B. WELLER.

Senate bill No. 119, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals," taken up, and the amendments of the Assembly concurred in.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 83, an Act to amend an Act to establish Pilots, and Pilot Regulations, for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight.

C. GILMAN, Clerk.

MARCH 22, 1859.

Assembly bill No. 83, "An Act to amend an Act to establish Pilots, and Pilot Regulations, for the Port of San Francisco, passed May eleventh, one thousand fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight," read first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Wheeler, Senate bill No. 156, an Act to authorize District Judges, in certain cases, to sign records, and settle statements," was taken from file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

On motion of Wheeler, the vote by which the bill was ordered engrossed, and read a third time, was reconsidered.

On motion of Mr. Burch, the rules were suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Griffith, the rules were further suspended, and the Secretary instructed to report the bill immediately to the Assembly.

Further consideration of Senate bill No. 208, "An Act to appropriate money for the relief of certain persons," considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Burton, in claim of Austin E. Smith, after the words, "one hundred," the words, "and thirty-eight dollars," were stricken out.

Mr. Quinn moved that the appropriation to pay the State-prison Directors, Alexander Bell, and J. S. McKenzie, be stricken from the bill.

Which was lost.

The bill was then ordered engrossed, and read a third time.

Report of the Committee on Claims, relative to the claim of Gray & Hickman, was taken up, and re-committed to the Committee on Claims.

Report of the Committee on Claims, relative to the claim of J. P. Riley, for services rendered to the Small-pox Hospital in San Francisco, in the years one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-three, was laid on the table.

Report of the Joint Committee to examine the accounts of S. A. McMeans, late State Treasurer, was taken up, and the Concurrent Resolution reported by the Committee, adopted.

Senate bill No. 214, "An Act for the relief of James Gallagher," reported from the Committee on Claims, was read first and second times, rules suspended, bill considered in Committee of the Whole.

IN SENATE.

Reported back, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Wheeler, the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. PALMER, Secretary of the Senate,

IN SENATE.

WEDNESDAY, March 23, 1859.

Senate met, pursuant to adjournment.
President *pro tem.* in the Chair.
Roll called.
Journal of yesterday read and approved.

REPORTS.

Mr. Pacheco, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred the Report and Transactions of the California State Agricultural Society, for the year one thousand eight hundred and fifty-eight, beg leave to report, that they have had the same under consideration, and find that they contain a large amount of information concerning their proceedings in general, and deem it expedient that five thousand copies should be printed for the use of this Legislature and said Society; inasmuch, your

Committee ask leave to report the accompanying resolution, and recommend its adoption.

R. PACHECO, Chairman.

Report accepted, and resolution placed on file.

On motion of Mr. Pacheco, the rules were suspended, and the Concurrent-Resolution relative to printing five thousand copies of the Report of the State Agricultural Society, was taken up, and adopted.

Mr. Merritt, Chairman of the Committee on Finance, made the following report:

MR. PRESIDENTT:—The Finance Committee, to whom was referred Senate bill No. 130, an Act fixing the salaries of certain State officers and employés, have had the same under consideration, and report the bill back, with amendments, and recommend its passage, as amended.

MERRITT, Chairman.

Report accepted, and bill placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures have examined the accounts of the Secretary of the Senate for copying into the Journal-book of the Senate, from page five hundred and sixty-three, to page six hundred and thirty-six, inclusive, and for copying done for the Printer, and beg leave to make the accompanying report of the number of folios copied, and the amount allowed for the same.

C. E. THOM,
Chairman Committee on Public Expenditures.

MARCH, 22, 1858.

STATE OF CALIFORNIA,

To E. C. PALMER, Secretary of the Senate, Dr.,

To copying into Senate Journal, from page 563 to page 636, inclusive, 518 folios, at 15 cents per folio	$77 70
To copying for Printer, 518 folios, at 10 cents per folio	51 80
To copying for Printer, Senate bill No. 176, 15 folios, at 10 cents,	1 50
To copying for Printer, Senate bill No. 90, 7 folios, at 10 cents...	70
To copying for Printer, Senate bill No. 187, 7 folios, at 10 cents,	70
To copying for Printer, Senate bill No. 182, 13 folios, at 12 cents,	1 30
Total	$133 70

Examined, audited, and allowed.

C. E. THOM,
Chairman Committee on Public Expenditures.

On motion of Mr. Thom, the rules were suspended, and the report taken up, and adopted.

Mr. Phelps, of the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred substitute for Assembly bill No. 16, an Act concerning roads and highways, in the County of San Mateo, have had the same under consideration, and report the bill back, and recommend its passage.

PHELPS, of Delegation.

Report accepted, and, with bill, placed on file.

Mr. Garter, of the Shasta delegation, made the following report:

MR. PRESIDENT:—The delegation from Shasta, to whom was referred Assembly bill No. 213, an Act concerning roads and highways, in Shasta County, have had the same under consideration, and report said bill back, and recommend the passage of the same, with the following amendments, viz.: amend section nine of this Act—

First—In the fourteenth line of said section, strike out the word "two," occurring immediately after the word "appoint," and insert instead thereof, the word "three."

Second—In the fifteenth line of said section, after the word "and," in said line, insert the following: "Upon reasonable notice, assess the damages to any person, or persons, through whose lands such road may be laid out."

Third—After the word "Viewers," in the sixteenth line of said section, insert the words "and their assessment of damages."

E. GARTER, of Delegation.

Report accepted, and, with bill, placed on file.

Mr. Thom, of a Special Committee, made the following report:

MR. PRESIDENT:—Your Special Committee, to whom was referred Senate bill No. 158, "An Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes," has had the same under consideration, with the Assembly amendments thereto, and begs leave to report the bill back, and recommend that the Senate do not concur in the amendments, and that a Committee of Free Conference be appointed to take the bill and amendments under consideration.

THOM, Committee.

On motion of Mr. Thom, the rules were suspended, the report taken up, and adopted.

The Chair appointed a Committee of Free Conference, in accordance with the above report, consisting of Messrs. Thom, Pacheco, and Gregory.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assemby, on the nineteenth instant, passed Assembly bill No. 274, an Act amendatory of an Act entitled "An Act amendatory of an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes, approved April twenty-second, one thousand eight hundred and fifty-seven," approved February twenty-seventh, one thousand eight hundred and fifty-eight;

Also, on the twenty-second instant, Assembly bill No. 58, an Act to

provide for the licensing of Auctioneers, and to define their duties and liabilities;

Also, Senate bill No. 172, an Act to audit certain claims;

Also, Senate bill No. 195, an Act explanatory of an Act to amend an Act concerning Notaries Public, passed April thirteenth, one thousand eight hundred and fifty-seven, passed March sixteenth, one thousand eight hundred and fifty-nine;

Also, Senate bill No. 197, an Act to fix the compensation of the District-Attorney of Santa Cruz County;

Also, Senate bill No. 202, an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Tuolumne;

Also, with amendments, Senate bill No. 38, an Act amending an Act to regulate proceedings in criminal cases;

And Senate bill No. 43, an Act amending an Act entitled an Act concerning jurors, approved May third, one thousand eight hundred and fifty-two;

And Senate bill No. 140, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty;

And ask the concurrence of the Senate.

C. GILMAN, Clerk.

March 23, 1859.

Assembly bill No. 274, "An Act amendatory of an Act entitled an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax for County purposes"—read first and second times, and referred to the Nevada delegation.

Assembly bill No. 58, "An Act to provide for the licensing of Auctioneers, and to define their duties and liabilities"—read first and second times, and referred to the Finance Committee.

Senate bill No. 38, "An Act amending an Act to regulate proceedings in criminal cases;"

Also, Senate bill No 43, "An Act amending an Act entitled an Act concerning jurors, approved May third, one thousand eight hundred and fifty-two"—

Were taken up, and made the special order for Wednesday, March thirtieth, at twelve o'clock, M.

Senate bill No. 140, "An Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty—was taken up, and the Senate refused to concur in Assembly amendments.

INTRODUCTION OF BILLS.

Mr. Williams, by leave, introduced a bill for "An Act to amend an Act entitled an Act to provide for the appointment, and prescribe the duties of guardians, passed April nineteenth, one thousand eight hundred and fifty."

Read first and second times, and referred to the Judiciary Committee."

Mr. Holden, by leave, introduced a bill for "An Act to enable the State of California to receive the benefit of the swamp and overflowed lands within her limits."

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Mr. Lansing, by leave, introduced a bill for "An Act providing for the

payment of a judgment in favor of Trustem C. Gilman against the County of Contra Costa."

Read first and second times, and, with petition accompanying the same, referred to the Judiciary Committee.

Mr. Griffith, by leave, introduced a bill for "An Act to fund the debt of the County of Solano which accrued from and after the first day of May, A. D. one thousand eight hundred and fifty-four, to the first day of July, A. D. one thousand eight hundred and fifty-nine, and to provide for the payment of the same."

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr Griffith, the rules were further suspended, and the Secretary instructed to transmit the bill immediately to the Assembly.

On motion of Mr. Holden, Senate bill No. 170, an Act to provide for the issuance of patents to lands located with school-land warrants, taken from file, and made the special order of the day for Tuesday, March twenty-ninth, at half-past eleven o'clock.

SPECIAL ORDER.

Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco, was taken up, and the motion to reconsider made the special order of the day for Thursday, March twenty-fourth, at one o'clock P. M.

On motion of Mr. Wheeler, the vote by which Senate bill No. 218, an Act providing for the payment of a judgment in favor of Trustem C. Gilman, against the County of Contra Costa, with petition, was referred to the Judiciary Committee, was reconsidered, and referred to a Special Committee of five.

Mr. Grant, by leave, Chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT:—The Committee on Internal Improvements, to whom was referred Senate bill No. 179, an Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in railroad companies, have had the same under consideration, and report the same back to the Senate, with the recommendation that the bill pass.

GILBERT A. GRANT, Chairman.

Report accepted, and, with bill, placed on file.

FURTHER SPECIAL ORDER.

Senate bill No. 207, an act to audit and allow the claim of Michael Fennel, taken up.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Lansing, Burton, and Grant, and taken, with the following result: ayes, 19—noes, 7:

AYES—Messrs. Allen, Ballou, Burch, Dent, Garter, Grant, Griffith, Hart, Hamm, Holden, Kirkpatrick, Lansing, Merritt, Parks, Parker, Phelps, Price, Redman, and Williams—19.

NOES—Messrs. Burton, Dickinson, Denver, Gregory, McDonald, Thom, and Wheeler—7.

DECLINED—Messrs. Ketcham and Pacheco—2.

So the bill passed.

The Chair here announced the Special Committee, to whom was referred Senate bill No. 218, an Act providing for the payment of a judgment in favor of Trustem C. Gilman, against the County of Contra Costa, consisting of Messrs. Wheeler, Dent, Redman, Kirkpatrick, and Parker.

Mr. Merritt, pursuant to notice, moved to reconsider the vote by which the Senate refused, on yesterday, to pass Senate bill No. 90, an Act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State.

Mr. Quinn in the Chair.

Mr. Ballou moved to make the motion to reconsider the special order of the day, for Friday, March twenty-fifth, at one o'clock P. M.

Lost.

Mr. Burton moved a call of the Senate.

Sustained.

Roll called.

Absent—Messrs. Garter, Grant, Griffith, Holden, Ketcham, Parker, and Thom.

Sergeant-at-Arms dispatched for absentees.

Messrs. Holden, Thom, and Grant, appearing at the bar of the Senate, were admitted.

The question being on the motion of Mr. Ballou, to make the motion to reconsider, the special order of the day for Friday, March twenty-fifth, at twelve o'clock M., the ayes and noes were demanded, by Messrs. Gregory, Burton, and Wheeler, and taken, with the following result: ayes, 18—noes, 10:

Ayes—Messrs. Baker, Ballou, Burton, Dent, Dickinson, Denver, Grant, Griffith, Hart, Kirkpatrick, McDonald, Merritt, Pacheco, Phelps, Price, Redman, Titus, and Williams—18.

Noes—Messrs. Allen, Burch, Gregory, Hamm, Holden, Lansing, Parks, Quinn, Thom, and Wheeler—10.

So the motion was adopted.

President *pro tem.* in the Chair.

Mr. Dent moved to reconsider the vote by which Senate bill No. 15, an Act to regulate the creation of homesteads, was passed, on yesterday,

Mr. Williams moved to make the motion to reconsider the special order of the day, for Friday next, March twenty-fifth, at twelve o'clock M.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Williams, and Quinn, and taken, with the following result: ayes, 13—noes, 14:

Ayes—Messrs. Baker, Burton, Dent, Dickinson, Denver, Garter, Hamm, Holden, McDonald, Parks, Phelps, Redman, and Williams—13.

Noes—Messrs, Allen, Burch, Grant, Gregory, Hart, Kirkpatrick, Lansing, Merritt, Pacheco, Price, Quinn, Thom, Titus, and Wheeler—14.

So the motion was lost.

The question recurring on the motion of Mr. Dent, to reconsider the vote by which the bill passed, the ayes and noes were demanded, by Messrs. Williams, Lansing, and Thom, and taken, with the following result: ayes, 13—noes, 14:

AYES—Messrs. Baker, Burton, Dent, Dickinson, Denver, Garter, Hart, Holden, Kirkpatrick, McDonald, Phelps, Redman, and Williams—13.

NOES—Messrs. Allen, Burch, Grant, Gregory, Hamm, Lansing, Merritt, Pacheco, Parks, Price, Quinn, Thom, Titus, and Wheeler—14.

So the motion was lost.

GENERAL FILE.

Senate bill No. 143, "An Act amendatory of an Act entitled an Act to regulate fees in office, in certain Counties of this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven," taken up, read a third time, and passed.

Senate bill No. 219, "An Act to audit certain claims," read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

The report of the Committee on Claims, relative to the claim of O. D. Avaline, for ten dollars, was laid on the table.

Senate bill No. 220, "An Act to appropriate money to pay O. L. Shafter, J. McM. Shafter, and Solomon Heydenfeldt, for legal services," read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 221, "An Act to audit and allow the claim of Adam Schuppert," read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 129, "An Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation," taken up, and laid on the table.

Senate bill No. 71, "An Act to authorize the establishment of County infirmaries, for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State," considered in Committee of the Whole.

Pending which, Mr. Ballou moved that the Senate do now adjourn.

Which was lost.

Further consideration of the bill in Committee of the Whole.

Pending which, Mr. Merritt moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Price, and Griffith, and taken, with the following result: ayes, 10—noes, 17:

AYES—Messrs. Allen, Ballou, Burch, Dent, Griffith, Kirkpatrick, McDonald, Merritt, Parker, and Wheeler—10.

NOES—Messrs. Burton, Dickinson, Denver, Garter, Grant, Gregory, Hamm, Holden, Ketcham, Lansing, Phelps, Price, Quinn, Redman, Thom, Titus, and Williams—17.

So the Senate refused to adjourn.

Further consideration of the bill in Committee of the Whole.

IN SENATE.

Reported back, and the amendments of the Committee concurred in, with the exceptions of striking out sections eighteen, nineteen, and twenty, and adding additional section thirty to the bill.

The question being on concurring with amendments of Committee of the Whole, in striking out sections eighteen, nineteen, and twenty—

Mr. Ballou moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Quinn, and Burton, and taken, with the following result: ayes, 12—noes, 16:

AYES—Messrs. Allen, Ballou, Burch, Dent, Garter, Griffith, Kirpatrick, McDonald, Merritt, Quinn, Thom, and Wheeler—12.

NOES—Messrs. Burton, Dickinson, Denver, Grant, Gregory, Hart, Hamm, Holden, Ketcham, Lansing, Parker, Phelps, Price, Redman, Titus, and Williams—16.

So the Senate refused to adjourn.

The question recurring on concurring in the amendments of Committee of the Whole, by striking out sections eighteen, nineteen, and twenty, of the bill—

The question was put, and the Senate refused to strike out the sections.

The question being on concurring in amendment of Committee of the Whole, on adopting additional section (thirty) to the bill, the ayes and noes were demanded, by Messrs. Lansing, Wheeler, and Allen, and taken, with the following result: ayes, 10—noes, 14:

AYES—Messrs. Allen, Ballou, Dent, Hart, Hamm, Holden, Lansing, Price, Quinn, and Wheeler—10.

NOES—Messrs. Burton, Dickinson, Denver, Garter, Gregory, Ketcham, McDonald, Merritt, Parker, Phelps, Redman, Thom, Titus, and Williams—14.

So the Senate refused to adopt the additional section.

Mr. Lansing moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Titus, and Wheeler, and taken, with the following result: ayes, 8—noes, 16:

AYES—Messrs. Allen, Ballou, Dent, Griffith, Holden, Lansing, McDonald, and Quinn—8.

NOES—Messrs. Burton, Dickinson, Denver, Garter, Grant, Hart, Ketcham, Merritt, Parker, Phelps, Price, Redman, Thom, Titus, Wheeler, and Williams—16.

So the Senate refused to adjourn.

Mr. Thom moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Allen, Quinn, and Thom, and taken, with the following result: ayes, 11—noes, 15:

AYES—Messrs. Allen, Ballou, Garter, Gregory, Griffith, Lansing, McDonald, Quinn, Redman, Thom, and Wheeler—11.

NOES—Messrs. Burton, Dent, Dickinson, Denver, Grant, Hart, Hamm, Holden, Ketcham, Merritt, Parker, Phelps, Price, Titus, and Williams—15.

So the motion was lost.

Mr. Allen moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Denver, Griffith, and Wheeler, and taken, with the following result: ayes, 4—noes, 22:

AYES—Messrs. Allen, Ballou, McDonald, and Quinn—4.

NOES—Messrs. Burch, Burton, Dent, Dickinson, Denver, Garter, Grant, Gregory, Griffith, Hart, Hamm, Holden, Ketcham, Merritt, Parker, Phelps, Price, Redman, Thom, Titus, Wheeler, and Williams—22.

So the Senate refused to adjourn.

Mr. Griffith moved to lay the bill on the table.

Upon which, the ayes and noes were demanded, by Messrs. Williams, Phelps, and Lansing, and taken, with the following result: ayes, 12—noes, 14:

AYES—Messrs. Allen, Ballou, Dent, Gregory, Griffith, Hart, Ketcham, Lansing, Merritt, Quinn, Thom, and Wheeler—12.

NOES—Messrs. Burch, Burton, Dickinson, Denver, Garter, Grant, Hamm, McDonald, Parker, Phelps, Price, Redman, Titus, and Williams—14.

So the motion was lost.

Mr. Merritt moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Hamm, Grant, and Price, and taken, with the following result: ayes, 13—noes, 13:

AYES—Messrs. Allen, Ballou, Burton, Dent, Dickinson, Gregory, Griffith, Hart, Ketcham, Lansing, Merritt, Quinn, and Wheeler—13.

NOES—Messrs. Burch, Denver, Garter, Grant, Hamm, McDonald, Parker, Phelps, Price, Redman, Thom, Titus, and Williams—13.

So the Senate refused to adjourn.

Mr. Ballou moved to lay the bill on the table.

Lost.

Mr. Parker moved the previous question.

Pending which, Mr. Merritt moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Price, and Griffith, and taken, with the following result: ayes, 16—noes, 11:

AYES—Messrs. Allen, Ballou, Burton, Dent, Dickinson, Gregory, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Merritt, Quinn, Titus, and Wheeler—16.

NOES—Messrs. Burch, Denver, Garter, Grant, McDonald, Parker, Phelps, Price, Redman, Thom, and Williams—11.

So the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

ATTEST: E. C. PALMER, Secretary of Senate.

IN SENATE.

THURSDAY, March 24, 1859.

Senate met pursuant to adjournment.

President *pro tem* in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Phelps presented a communication from the Pilots of San Francisco, with a certificate from said Pilots, showing that there is no necessity for a bulk-head in the Harbor of said City.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 243, "An Act to authorize the Courts of Record of this State, to admit Adolphus Daniel Grimwood, as an Attorney and Counselor-at-Law," have had the same under consideration, report the bill back, and recommend its passage.

Senate bill No. 93, "An Act to provide for the conveyance of mining-claims," have had the bill under advisement, report the same back, and recommend that the Senate concur in Assembly amendments.

Also, Senate bill No. 3, "An Act to amend an Act for the relief of insolvent debtors and protection of creditors, passed May fourth, one thousand eight hundred and fifty-two," has been under consideration, and we report the bill back, and recommend the passage of the accompanying substitute.

Senate bill No. 200, "An Act to provide for a more thorough distribution of the Laws of this State," have had the same under advisement, report the bill back, and the majority recommend it be indefinitely postponed.

Mr. Burch recommends its passage, amended:

Amend section one, line sixteen, by striking out the word "ten," and insert, in lieu thereof, the words, "seven and one-half."

Amend section two, lines eleven and fourteen, by striking out the words "ten thousand," and insert, in lieu thereof, the words, "seven thousand five hundred."

Senate bill No. 188, "An Act to prohibit the enforcement of contracts in certain cases," have had the bill under consideration, report the same back, with the recommendation it be indefinitely postponed.

Senate bill No. 209, "An Act to authorize the executors of the last will and testament of Peter Tracy, deceased, to sell certain school-land warrants at private sale," have had the bill under consideration, report the same back, and recommend its passage, amended:

Amend by adding section five:

Section five—Before any sale shall be made under the power by this Act conferred, said Probate Court shall cause said land warrants to be appraised, by three disinterested householders of said County, and shall further require from said executors a bond, with two or more sufficient sureties, who shall severally justify to the amounts in which they become surety, in double the appraised value of said warrants, conditioned that

they will faithfully account for all moneys arising from such sale or sales.

Assembly bill No. 148, "An Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one, passed May seventh, one thousand eight hundred and fifty-five," have had the bill under advisement, report the same back, and recommend its passage, amended.

Amend, by striking out the title, and insert the following, as title: "An Act concerning Public Administrators."

Amend section one, by striking out all after the words "Section one," to the word "whenever."

"Message from the Governor, relative to error in enrolling Senate bill No. 109," report back, without any recommendation, as a bill has already passed, correcting the error suggested in the communication.

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Merritt, Chairman of the Committee on Finance, made the following report:

Mr. President:—A majority of the Finance Committee, to whom was referred Senate bill No. 196, "An Act for the relief of W. A. King, County Treasurer of Mariposa County," have had the same under consideration, and, after examining closely into the matter, think that he ought to be relieved, as it is shown, by all proof that can be obtained, that it was from no fault or neglect of his in the transportation of the treasure that he was robbed thereof. It is shown, by testimony, that he applied to the Clerk of the boat, on which he was traveling to this City to make his settlement with the State Treasurer, to put the money in the safe belonging to the boat, and was willing to pay for the same; but the Clerk, or Purser, of the boat, refused to take charge of it. We also find, from the lengthy petitions from citizens of the Counties of Mariposa, Fresno, Tulare, Merced, and San Joaquin, that it is the wish of the residents and tax-payers in those Counties that the Legislature of this State should pass a bill relieving him from this indebtedness—as well, also, his securities—and refer to former bills, passed by this Honorable Legislature in the years one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-four, relieving the Treasurers of the Counties of Los Angeles and Santa Clara, who were robbed of funds belonging to the State of California, under similar circumstances

We therefore return Senate bill No. 196, with the recommendation that it do pass.

MERRITT,
Chairman of Finance Committee.

Senate Chamber, Sacramento, March 24, 1859.

Report accepted, and, with bill, placed on file.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. President:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 83, have had the same under con-

sideration, and report the same back—Messrs. Hart, Grant, and Griffith, recommending its passage.

HART,
GRANT,
GRIFFITH,
Of Committee.

Not having met with the Committee, I have no recommendation to make.

E. D. WHEELER,

I recommend that the bill be indefinitely postponed.

J. M. McDONALD, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Holden, Chairman of the Committee on Free Conference, made the following report:

Mr. President:—The Committee of Free Conference on Senate bill No. 82, for an Act entitled an Act making certificates of purchase evidence of title, have had the same under consideration, and I am instructed to report the following amendments, and recommend that the Senate adopt the report of the Committee:

Strike out all after the enacting clause, and insert the following, in lieu of section one, and the Assembly amendments thereto.

"The certificate of purchase, or of location, of any lands in this State, issued or made in pursuance of any of the laws of the United States, or of this State, shall be deemed *prima facie* evidence of legal title, in the holder of said certificate of purchase, or location, or his assigns."

Amend the title by inserting, after "purchase," at the end of the first line, "or of location."

HOLDEN, Chairman.

Report accepted, and bill placed on file.

On motion of Mr. Williams, the rules were suspended, and Assembly bill No. 243, "An Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an Attorney and Counsellor-at-Law," was taken from file, read a third time, and passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 84, an Act to provide revenue for the Government of this State, and, with the following alterations and corrections, find the same correctly engrossed:

Section nine, line fourteen, word "quality," made "quantity."

Section fourteen, line twelve, after word "doing," insert "business."

Section eighteen, line eighteen, strike out the word "only," in last place where it occurs.

Section thirty-one, line two, strike out after "published," the words "by this Act," and insert the same words after the word "required."

Section forty-five, line six, strike out "which," and insert the word "his."

Section seventy-two, in substitute, line seven, insert "of," after "license."

Section seventy-two, line twenty-four, change "his" to "has."

Section seventy-eight, line two, after "taxes," insert "to."

Section eighty-one, line twelve, after word "any," insert "person."

Section eighty-three, line six, after word "amount," insert "for," in place of the word "of."

Section eighty-four, line six, strike out the word "the," before "deficiency," and insert "a."

Section ninety-three, strike out after the words "section ninety-three" to the word "account," in line seven.

Also, Senate bill No. 72, an Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eight, one thousand eight hundred and fifty-seven.

Also, Senate bill No. 168, an Act amendatory and explanatory of a portion of the Act to provide revenue for the support of the Government of this State.

Also, Senate bill No. 221, an Act to audit and allow the claim of Adam Schuppert, and find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and bills placed on file.

The following message was received from the Assembly:

MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on this day, passed Assembly bill No. 283, "An Act to audit and allow the claim of Joseph Nougues."

C. GILMAN, Clerk.

MARCH 23, 1859.

Assembly bill No. 283, "An Act to audit and allow the claim of Joseph Nougues," taken up, read first and second times, rules further suspended.

Bill considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

Mr. Williams, by leave, introduced a bill for "An Act to authorize the executors of Thomas O. Larkin, deceased, to sell and convey certain real estate."

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Williams, the rules were further suspended, and the Secretary was instructed to transmit the bill immediately to the Assembly.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on the twenty-second instant, passed Assembly bill No. 131, an Act to prohibit gaming.

Also, on yesterday, Senate bill No. 139, an Act to provide for the payment of Volume VIII of the Reports of the Supreme Court of the State of California.

Also, Assembly bill No. 197, an Act to provide for the better encouragement of the culture of the vine and the olive.

Also, Assembly bill No 206, an Act to regulate salmon fisheries in Eel River, in Humboldt County.

Also, Assembly bill No. 267, an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Fran-

cisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six.

Also, Assembly bill No. 269, an Act to authorize the sale of the real and personal property of the estate of George W. Birdsall, deceased.

Also, Assembly bill No. 284, an Act to audit certain claims.

Also, Assembly bill No. 285, an Act to appropriate money to pay certain claims.

Also, Assembly bill No. 288, an Act to amend an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine.

And, Assembly bill No. 289, an Act to exempt the estate of Charles Evans, deceased, from the process of administration.

C. GILMAN, Clerk.

MARCH 24, 1859.

Assembly bill No. 131, "An Act to prohibit gaming," read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 197, "An Act to provide for the better encouragement of the culture of the vine and the olive," read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 206, "An Act to regulate salmon fisheries on Eel River, in Humboldt County," read first and second times, rules further suspended.

Bill considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Gregory, laid on the table.

Assembly bill No. 267, "An Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara," approved April twenty-first, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Senator from Trinity County.

Assembly bill No. 284, "An Act to audit certain claims," read first and second times, and placed on file.

Assembly bill No. 288, an Act to amend an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 289, "An Act to exempt the estate of Charles Evans, deceased, from the process of administration," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 285, "An Act to appropriate money to pay certain claims," read first and second times, and placed on file.

SPECIAL ORDER OF THE DAY.

Senate bill No. 40, "An Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco," was taken up.

Mr. Griffith moved to make the bill the special order of the day for Tuesday, April fifth, at twelve o'clock, M.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Baker, and Gregory, and taken, with the following result: ayes, 19—noes, 11:

AYES—Messrs. Allen, Ballou, Dickinson, Garter, Grant, Gregory, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Merritt, Parks, Price, Quinn, Thom, Titus, and Wheeler—19.

NOES—Messrs. Baker, Burch, Burton, Dent, Denver, Kirkpatrick, McDonald, O'Farrell, Parker, Redman, and Williams—11.

DECLINED—Messrs. Pacheco and Phelps declined to vote.

So the motion was adopted.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 133, an Act amendatory of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one, taken up, and made the special order of the day for Thursday, March thirty-first, one thousand eight hundred and fifty-nine.

FURTHER SPECIAL ORDER OF THE DAY.

Motion to reconsider the vote by which Senate indefinitely postponed Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco," taken up, and the motion to reconsider made the special order of the day for Saturday, March twenty-sixth, at half-past eleven o'clock, A. M.

Mr. Thom, by leave, introduced a bill for "An Act to amend an Act entitled an Act to provide for binding minors as apprentices, clerks, and servants," approved April tenth, one thousand eight hundred and fifty-eight

Which was read first and second times, and referred to the Judiciary Committee.

GENERAL FILE RESUMED.

On motion of Mr. Williams, Senate bill No. 161, an Act relating to the possession of lands, the recording of conveyances, and the effect thereof, was taken up, and made the special order of the day for Friday, March twenty-fifth, at twelve o'clock, M.

Senate bill No. 71, an Act to authorize the establishment of County Infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State, ordered engrossed, and read a third time.

The report of the Committee on Contingent Expenses, relative to certain newspaper accounts, was taken up, and adopted.

Assembly bill No. 193, an Act supplemental to an Act entitled "An Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one," approved February twenty-first, one thousand eight hundred and fifty-nine—

Mr. Kirkpatrick moved that the bill be made the special order of the day for Thursday next, March thirty-first, at twelve o'clock M.

Upon which, the ayes and noes were demanded, by Messrs. Merritt,

O'Farrell, and Hamm, and taken, with the following result: ayes, 12—noes, 17:

AYES—Messrs. Baker, Ballou, Burton, Dickinson, Kirkpatrick, Lansing, Parks, Parker, Redman, Thom, Wheeler, and Williams—12.
NOES—Messrs. Allen, Burch, Dent, Denver, Garter, Grant, Gregory, Griffith, Hart, Hamm, Holden, Ketcham, Merritt, O'Farrell, Pacheco, Price, and Quinn—17.
DECLINED—Mr. Titus.

So the motion was lost.
The bill was then considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.
Mr. Parker in the Chair.
Mr. Griffith offered the following amendment:

Strike out all after the enacting clause, and insert—
"Section first—An Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one, approved February twenty-first, one thousand eight hundred and fifty-nine, is hereby repealed."

Mr. Ballou offered the following amendment to the amendment, which was lost:

Strike out after the words, "is hereby repealed," and insert "shall not take effect until the expiration of the terms of office of the present incumbents."

The amendment offered by Mr. Griffith, after discussion, was withdrawn.
The question being on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Williams, Merritt, and Gregory, and taken, with the following result: ayes, 12—noes, 16:

AYES—Messrs. Ballou, Burton, Dickinson, Hart, Kirkpatrick, Lansing, McDonald, Parks, Parker, Phelps, Thom, and Williams—12.
NOES—Messrs. Allen, Baker, Dent, Denver, Garter, Gregory, Griffith, Hamm, Holden, Ketcham, Merritt, O'Farrell, Pacheco, Price, Quinn, and Redman—16.
DECLINED—Mr. Titus.

So the Senate refused to indefinitely postpone the bill.
President *pro tem.* in the Chair.
Mr. Ballou offered the following amendment:

Strike out all after the enacting clause, and insert—
Section first—An Act entitled "An Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one," shall not take effect, until the expiration of the present incumbents elected to the office of County Clerk, except in

Sierra, Nevada, and San Mateo Counties, in which Counties said Act shall take effect, as herein provided.

Upon which, the ayes and noes were demanded, by Messrs. Thom, Williams, and Burton, and taken, with the following result: ayes, 14—noes, 15:

AYES—Messrs. Ballou, Burton, Dickinson, Grant, Hart, Kirkpatrick, Lansing, McDonald, Parks, Parker, Phelps, Thom, Titus, and Williams—14.

AYES—Messrs. Allen, Baker, Burch, Denver, Garter, Gregory, Griffith, Hamm, Holden, Ketcham, Merritt, O'Farrell, Pacheco, Price, and Redman—15.

DECLINED—Mr. Quinn.

So the amendment was lost.

The bill was then read a third time, and passed.

On motion of Mr. Merritt, the title was amended, by striking out the figures "1857," and inserting the figures "1851."

Mr. Kirkpatrick gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. McDonald, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 139, an Act to provide for the payment of Volume VIII of the Reports of the Supreme Court of the State of California;

Also, Senate bill No. 192, an Act levying the taxes for the year one thousand eight hundred and fifty-nine, in the County of Sierra, for County purposes;

And find the same correctly enrolled.

McDONALD, of the Committee.

Report accepted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made a verbal report on Senate bill No. 207, "An Act to audit and allow the claim of Michael Fennel," reporting the bill as correctly engrossed.

Mr. Lansing presented certain newspaper accounts.

Which were referred to the Committee on Contingent Expenses.

Mr. Burch, by leave, introduced a bill for "An Act to authorize the Weaverville and Shasta Wagon-road Company to file certain papers *nunc pro tunc*."

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Pacheco, the rules were suspended, and Assembly bill No. 229, "An Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt, and the construction of roads, and to provide for the payment of the said bonds," was taken from file, rules suspended, bill read a third time, and passed.

On motion of Mr. Phelps, the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

FRIDAY, March 25, 1859.

Senate met pursuant to adjournment.
President *pro tem.* in the Chair.
Roll called.
Journals of yesterday read and approved.
Mr. McDonald, Chairman of the Committee on Enrolled Bills, made the following report:

REPORTS.

MR. PRESIDENT:—Your Committee on Enrolled Bills, this day, at ten o'clock, presented to His Excellency, the Governor, for his approval, Senate bill No. 56, entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate bill No. 139, an Act to provide for the payment of Volume VIII of the Reports of the Supreme Court of the State of California.

Also, Senate bill No. 142, an Act levying the taxes for the year one thousand eight hundred and fifty-nine, in the County of Sierra, for County purposes.

McDONALD, of the Committee.

Report accepted.
Mr. Burton, of the Nevada delegation, made the following report:

MR. PRESIDENT:—The Nevada delegation, to whom was referred Assembly bill No. 274, an Act amendatory of an Act entitled an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes, approved April twenty-second, one thousand eight hundred and fifty-seven—approved February twenty-seventh, one thousand eight hundred and fifty-eight report the same back, without amendment, and recommend its passage.

E. F. BURTON,
C. J. LANSING.

Report accepted, and, with bill, placed on file.
On motion of Mr. Burton, the rules were suspended, and Assembly bill No. 274, an Act amendatory of an Act entitled an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes, approved April twenty-second, one thousand eight hundred and fifty-seven—approved February twenty-seventh, one thousand eight hundred and fifty-eight, was taken up, rules further suspended, bill read a third time, and passed.

Mr. Garter, of the Shasta delegation, made the following report:

MR. PRESIDENT:—The delegation from Shasta, to whom was referred Assembly bill No. 108, an Act to provide for the compensation of the Keepers of the County-jails in Shasta and Colusa Counties, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails, has had said bill under consideration, and reports the same back, with a substitute, and respectfully recommend, the passage of the substitute.

E. GARTER, Delegation.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No 175, an Act supplementary to an Act entitled an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, one thousand eight hundred and fifty-four.

Also, Senate bill No. 214, an Act for the relief of James Gallagher.

Also, Senate bill No. 219, an Act to audit certain claims.

Also, Senate bill No. 203, an Act to appropriate money to pay Charles Forman and Alfred H. Estill.

Also, Senate bill No. 162, an Act regulating the salaries of certain County officers in Sonoma County.

Also, Senate bill No. 208, an Act to appropriate money for the relief of certain persons.

And find the same correctly enrolled.

BAKER, Chairman.

Report accepted, and bills placed on file.

Mr. Kirkpatrick, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—Your Committee on Federal Relations, to whom was referred Senate Memorial No. 5, asking Congress to pass a law authorizing the construction of a Pacific Railroad; also, asking for a grant of land to this State, to aid in the construction of railroads in the State of California, have had the same under consideration, and would now report the same back, and recommend its passage, with the following amendments:

Strike out all between the word "California," in the fourth line of the first page, and the words "your memorialists," in the eighteenth line of the fourth page.

Strike out all after the word "mountains," in the twenty-seventh line of the fourth page, and the word "therefore," in the fifth line of the fifth page.

In the seventh line of the eighth page, strike out the words "Senator Gwinn," and insert the words "our Senators in Congress."

All of which is respectfully submitted,

KIRKPATRICK, Chairman.

Report accepted, and, with memorial, placed on file.

Mr. Burch, of the Trinity delegation, made the following report:

MR. PRESIDENT:—The undersigned, Senator from Trinity, to whom was referred Assembly bill No. 267, an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, reports the same back, and recommends its passage, by adding to the bill the words "and Trinity," and to making "County" read "Counties."

BURCH, Twenty-First District.

Report accepted, and, with bill, placed on file.

On motion of Mr. Burch, the rules were suspended, and Assembly bill No. 267, an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty first, one thousand eight hundred and fifty-six, was taken from file, rules further suspended, bill read a third time, and passed.

On motion of Mr. O'Farrell, the vote by which the bill was read a third time, and passed, was reconsidered.

On motion of Mr. O'Farrell, the bill was amended, by inserting the word "Sonoma," after the word "Trinity."

The bill was then read a third time, and passed.

Mr. Thom, of the Committee on Free Conference, made the following report:

MR. PRESIDENT:—The Committee of Free Conference, appointed to take into consideration Senate bill No. 158, an Act to authorize the Mayor and Common Council of the City of Los Angeles to contract for irrigating, and other purposes, have had the same under advisement, and I am instructed to report the following amendments, and recommend that the Senate adopt the report of the Committee:

Amend section second, by striking out of the sixth line, the words "nor be less than five years."

Amend section third, by striking out of the fourth line the word "three," and insert "two"; and amend seventh line, same section, by striking out "three," and inserting "two."

Strike out section twelfth, and insert the following, in lieu thereof:

Section twelve—Upon the creation of any loan, under the provisions of this Act, and previous to the receipt of any money under it, the City Treasurer, in addition to his ordinary official bond, shall deposit with the Common Council, to be approved by the Mayor, a good and sufficient bond, in a sum equal to double the amount of such loan, with three or more sureties, who shall justify in manner and form as is now required by law for the justification of official bonds, for the true and faithful performance of all his duties, under the provisions of this Act, and such other duties as the Common Council may see proper to impose on him, and also for the receiving, keeping, disbursing, and accounting, for such money as he may be intrusted with; for which services he shall be allowed, upon disbursements alone, a sum not to exceed two per cent., to be fixed by the Common Council of the City of Los Angeles, which said sum, when so fixed, shall be in full of all demands for services of every nature, performed, or to be performed, under the provisions of this Act. And it shall be the duty of the City Treasurer to file, with the Common Council, a quarterly report, counting from the first day of May of each year, verified by his oath, setting forth a full and complete statement of all receipts and disbursements, to whom payments were made, for what made, and the manner, and by whose authority the same were made.

Amend section thirteen, by striking out of the twenty-second and twenty-third lines, the words, "by section twenty-seven of said Act, as amended on the tenth of April, one thousand eight hundred and fifty-five."

THOM, Chairman Senate Committee.

Report accepted, rules suspended, report taken up, and adopted.

Mr. O'Farrell, of the Sonoma delegation, made the following report:

MR. PRESIDENT :—The delegation of the Eleventh District, to whom was referred Assembly bill No. 249, an Act supplementary to, and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight, have had the same under consideration, and recommend its passage, without amendments.

O'FARRELL, of Eleventh District.

Report accepted, and, with bill, placed on file.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly bill No. 249, an Act supplementary to, and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight, was taken up, rules further suspended, consideration in Committee of the Whole dispensed with, bill read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
March 25, 1859.

MR. PRESIDENT :—The Assembly, on the nineteenth instant, passed Assembly bill No. 268, an Act concerning lawful fences in the Counties of San Bernardino, Colusa, Tehama, Shasta, and Placer ;

Also, on the twenty-third instant, Assembly bill No. 296, an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company ;

Also, on yesterday, Senate bill No. 177, an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State ;

Also, adopted substitute for Assembly Concurrent-Resolution No. 36, providing for the holding of a Railroad Convention of the States of California, and Oregon, and the Territory of Washington.

C. GILMAN, Clerk.

Assembly bill No. 268, "An Act concerning lawful fences in the Counties of San Bernardino, Colusa, Tehama, Shasta, and Placer," taken up, read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 296, "An Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company," read first and second times, rules further suspended, bill read a third time, passed.

Assembly Concurrent-Resolution No. 36, "Relative to providing for the holding of a Railroad Convention, of the States of California and Oregon, and the Territory of Washington," referred to the Committee on Federal Relations.

Mr. Burton presented the following communication from the Secretary of State, which was referred to the Committee on Finance :

OFFICE SECRETARY OF STATE,
March 25, 1859.

To the Senate of California :

I beg leave to call the attention of your honorable body to the insecure

situation of the State-Library. The State owns a valuable Library, worth at least twenty-five thousand dollars, and which is rapidly on the increase. The building in which said Library is situated, is perhaps as good as any that can now be procured, but is by no means proof against fire, besides being situated in a block in which there are some wooden buildings, which, if ignited, might endanger the whole block. Under the circumstances, (considering the amount involved,) I have deemed it my duty to recommend to your honorable body, that an appropriation be made, authorizing the insurance of said Library.

Very respectfully,
FERRIS FORMAN,
Secretary of State, and *ex-officio* Librarian.

INTRODUCTION OF BILLS.

Mr. Allen, by leave, introduced a bill for "An Act creating an Insane Asylum at Marysville, Yuba County."

Which was read first and second times, and referred to the Committee on State Hospitals.

Mr. Allen, by leave, introduced a bill for "An Act for the relief of Otis Brett."

Which was read first and second times, and referred to the Committee on State Hospitals.

On motion of Mr. Thom, the rules were suspended, and Senate bill No. 98, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, was taken up, considered in Committee of the Whole, and amendments adopted.

IN SENATE.

Reported back, and Assembly amendments, as amended, were concurred in.

Mr. Redman offered the following resolution:

Resolved, That when the Senate adjourns it adjourns to meet at nine o'clock, to-morrow morning.

Pending which, the hour arrived for the special order of the day.

On motion of Mr. Lansing, the special order of the day was laid on the table.

Mr. Parker moved to amend the resolution by striking out the words "to-morrow morning, at nine o'clock," and inserting the words "Tuesday morning, March twenty-ninth, at eleven o'clock."

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Lansing, and Burton, and taken, with the following result: ayes, 12—noes, 17:

AYES—Messrs. Allen, Baker, Ballou, Gregory, Lansing, O'Farrell, Pacheco, Parker, Phelps, Redman, Thom, and Wheeler—12.

NOES—Messrs. Burch, Burton, Dent, Dickinson, Denver, Garter, Griffith, Hamm, Holden, Ketcham, Kirkpatrick, McDonald, Merritt, Parks, Price, Quinn, and Titus—17.

So the amendment was lost.

Mr. Parks moved to amend by inserting after the words "to-morrow morning, at nine o'clock," the words "and meet Monday morning, March twenty-eighth, at eleven o'clock."

Upon which, the ayes and noes were demanded, by Messrs. Denver, Burton, and Griffith, and taken, with the following result: ayes, 12—noes, 17:

AYES—Messrs. Allen, Baker, Ballou, Gregory, Lansing, O'Farrell, Pacheco, Parker, Phelps, Redman, Thom, and Wheeler—12.

NOES—Messrs. Burch, Burton, Dent, Dickinson, Denver, Garter, Griffith, Hamm, Holden, Ketcham, Kirkpatrick, McDonald, Merritt, Parks, Price, Quinn, and Titus—17.

The question recurring on the adoption of the resolution, the ayes and noes were demanded, by Messrs. Burton, Gregory, and Griffith, and taken, with the following result: ayes, 23—noes, 4:

AYES—Messrs. Allen, Baker, Burch, Burton, Dent, Dickinson, Denver, Garter, Griffith, Hamm, Holden, Kirkpatrick, Lansing, Merritt, O'Farrell, Parks, Parker, Price, Redman, Thom, Titus, Wheeler, and Williams—23.

NOES—Messrs. Gregory, Pacheco, Phelps, and Quinn—4.

So the resolution was adopted.

SPECIAL ORDER OF THE DAY.

On motion of Mr. Buck, the special order of the day, Senate bill No. 127, "An Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same," was taken from table, and made the special order of the day for Thursday, March thirty-first, at twelve o'clock, M.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 166, "An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State," was taken up.

The question being on ordering the bill engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Thom, Burch, and Burton, and taken, with the following result: ayes, 19—noes, 9:

NOES—Messrs. Allen, Ballou, Burch, Dent, Dickinson, Garter, Hamm, Holden, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Parks, Parker, Quinn, Redman, Wheeler, and Williams—19.

AYES—Messrs. Baker, Burton, Denver, Gregory, Griffith, Ketcham, Pacheco, Price, and Titus—9.

So the bill was ordered engrossed, and read a third time.

On motion of Mr. Burch, the bill was made the special order of the day for Wednesday, March thirtieth, at twelve o'clock, M.

FURTHER SPECIAL ORDER OF THE DAY.

Motion to reconsider the vote by which the Senate refused to pass

Senate bill No. 90, "An Act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State," taken up.

Mr. Burch moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Ballou, Grant, Hart, Ketcham, Parker, and Phelps.

Sergeant-at-Arms dispatched for absentees.

Messrs Ketcham, Parker, Ballou, and Phelps, appearing at the bar of the Senate, were admitted.

On motion of Mr. Titus, further proceedings under the call were dispensed with.

The question recurring on the motion to reconsider the vote by which the Senate refused to pass the bill, the ayes and noes were demanded, by Messrs. Burton, Lansing, and Quinn, and taken, with the following result: ayes, 14—noes, 15:

AYES—Messrs. Baker, Ballou, Burton, Dent, Dickinson, Garter, Griffith, McDonald, Merritt, O'Farrell, Phelps, Redman, Titus, and Williams—14.

NOES—Messrs. Allen, Burch, Denver, Gregory, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, Pacheco, Parker, Price, Quinn, Thom, and Wheeler—15.

DECLINED—Mr. Parks.

So the Senate refused to reconsider the vote.

REPORTS.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 113, an Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain parties therein named.

Also, Senate bill No. 119, an Act amendatory of, and supplementary to, an Act entitled "An Act concerning estray animals."

Also, Senate bill No. 160, an Act to authorize the sale of certain real estate by guardians.

Also, Senate bill No. 172, an Act to audit certain claims.

Also, Senate substitute for Assembly bill No. 82, an Act amendatory of an Act entitled "An Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof."

And find the same correctly enrolled.

A. ST. C. DENVER, of Committee.

MARCH 25, 1859.

Report accepted.

FURTHER SPECIAL ORDER.

Senate bill No. 144, an Act amendatory of an Act entitled "An Act concerning crimes and punishments," considered in Committee of the Whole, and the substitute, reported by the Committee, adopted.

IN SENATE.

Reported back—the adoption of the substitute in Committee of the Whole concurred in.

The question being on the indefinite postponement of the bill, Mr. Burch moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Allen, Burton, Denver, Grant, Gregory, Griffith, Hart, Hamm, Ketcham, Lansing, Pacheco, Parker, Phelps, Price, Quinn, and Redman.

Sergeant-at-Arms dispatched for absentees.

Messrs. Pacheco, Price, Burton, Redman, Parker, Lansing, Allen, Denver, Hamm, and Quinn, appearing at the bar of the Senate, were admitted.

On motion of Mr. Williams, further proceedings under the call were dispensed with.

The question recurring on the motion to indefinitely postpone the bill, Mr. Burton moved to make the bill the special order of the day for Tuesday next, March twenty-ninth, at twelve o'clock, M.

Adopted.

Mr. Burton in the Chair.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 161, an Act relating to the possession of lands, the recording of conveyances, and the effect thereof, taken up, and made the special order of the day for Wednesday, March thirtieth, at half-past eleven o'clock, A. M.

Mr. Gregory, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 216, "An Act to enable the State of California to receive the benefit of the swamp and overflowed lands within her limits," have had the same under consideration, report the bill back, amended, and recommend its passage, as amended.

Amend section one, line tenth, by striking out the words "will be," and insert the words "is hereby." In same section, tenth and eleventh lines, strike out the words "determined by," and insert the word "that." Also, in line eleventh, after the word "California," insert the following words: "will proceed to determine and segregate the same." In line thirteenth, strike out the word "ascertained," and insert the word "segregated." Same line, strike out the word "from," and insert the word "by." Line fourteenth, after the word "thereof," insert the word "made." Same line, strike out the word "an," and insert the word "the." Same line, after the word "agents," strike out the words "especially appointed for such purpose," and insert the words "hereinafter designated."

Section two, line three, strike out the word "select," and insert the word "segregate."

Section three, line five, strike out the word "selected," and insert the words "segregated and determined, under the direction of said Register." Same section, line seventh, insert, after the word "year," the word "after." Same section, line ninth, strike out the word "selected," and insert the word "segregated."

Add the following, as additional section:

Section fifth—All accounts against the Swamp Land Fund, and in favor of the Locating-Agents, for services rendered under this Act, shall, before any warrant is drawn for the same, be submitted to the Board of Examiners of the State, together with such vouchers, and proofs, as shall be required by such Board, showing that said accounts are correct and just, and the services for which any charge therein is made, has been actually rendered. Upon the certificate of approval of said Board of Examiners, being indorsed on said account, the Controller of State is hereby authorized to draw his warrant therefor, on said Swamp Land Fund.

D. S. GREGORY, Chairman.

Report accepted, and, with bill, placed on file.

GENERAL FILE.

Senate bill No. 208, "An Act to appropriate money for the relief of certain persons," taken up, pending which—

Mr. Lansing, (by unanimous leave,) Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom were referred certain accounts herein set forth, have examined the same, and recommend the payment thereof, out of the Contingent Fund.

C. J. LANSING, Chairman.

Houghton & Co., Newspapers	$2 50
Sacramento Post-office	159 60
For Postage on Newspapers	12 51
Total	$174 61

Report accepted, and, with accounts, placed on file.

Mr. Gregory moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Lansing, and Wheeler, and taken, with the following result: ayes, 11—noes, 14:

AYES—Messrs. Allen, Burch, Gregory, Holden, Lansing, O'Farrell, Pacheco, Parker, Price, Quinn, and Wheeler—11.

NOES—Messrs. Baker, Ballou, Burton, Dent, Dickinson, Garter, Hart, Hamm, Kirkpatrick, McDonald, Merritt, Redman, Thom, and Titus—14.

So the Senate refused to adjourn.

Mr. Gregory moved a call of the Senate.

Lost.

Mr. Parker moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Gregory, and Wheeler, and taken, with the following result: ayes, 10—noes, 15:

AYES—Messrs. Allen, Ballou, Burch, Gregory, Hart, Holden, Parker, Price, Quinn, and Wheeler—10.

NOES—Messrs. Baker, Burton, Dent, Dickinson, Garter, Hamm, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Redman, Titus, and Williams—15.

So the Senate refused to adjourn.

Mr. Gregory moved a call of the Senate.

Lost.

Mr. Gregory moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Gregory, and Burch, and taken, with the following result: ayes, 8—noes, 18:

AYES—Messrs. Allen, Burch, Gregory, Holden, Parker, Quinn, Thom, and Wheeler—8.

NOES—Messrs. Baker, Ballou, Burton, Dent, Dickinson, Garter, Hart, Hamm, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Price, Redman, Titus, and Williams—18.

So the Senate refused to adjourn.

Mr. Lansing moved the previous question.

Which was sustained.

The question being, "Shall the main question now be put?" it was adopted.

The bill was then read a third time, and passed.

On motion of Mr. Redman, the rules were suspended, and Senate bill No. 179, "An Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in Railroad Companies," was taken from the file, and made the special order of the day for Thursday, March thirty-first, at one o'clock, P. M.

GENERAL FILE RESUMED.

Senate bill No. 180, "An Act to amend an Act entitled an Act for the government and protection of Indians," passed April twenty-second, one thousand eight hundred and fifty, considered in Committee of the Whole.

IN SENATE.

Reported back.

Mr. Gregory moved that the bill be made the special order of the day for Wednesday, March thirtieth, at one o'clock, P. M.

Lost.

Mr. Thom moved to suspend the rules, consider the bill engrossed, and read a third time.

Upon which, the ayes and noes were demanded, by Messrs. Parker, Gregory, and Lansing, and taken, with the following result: ayes, 18—noes, 8:

AYES—Messrs. Burch, Burton, Dent, Dickinson, Garter, Hart, Hamm, Holden, Kirkpatrick, Lansing, O'Farrell, Pacheco, Price, Quinn, Redman, Thom, Titus, and Williams—18.

NOES—Messrs. Allen, Baker, Ballou, Gregory, McDonald, Merritt, Parker, and Wheeler—8.

DECLINED—Mr. Parks declined voting.

So the motion was adopted.

The bill was then read a third time, and passed.

Mr. Pacheco, by leave, presented a petition from citizens of Auburn, Placer County, relative to the removal of the Capital, with the following Concurrent-Resolution:

Resolved, By the Senate, the Assembly concurring, that a Committee of three, from each House, be appointed to visit Auburn, in the County of Placer, and report to this Legislature whether the citizens of that flourishing Town (in case of the removal of the Capital of the State to that eligible and salubrious hamlet,) are willing to construct a large and commodious State-House in the style of architecture known as the Gothic; also, report how much, and the quality, of the land said citizens are willing to donate to this State.

Mr. Gregory moved to amend by striking out the words "three," and insert the word "one."

Lost.

On motion of Mr. Redman, the petition and resolution were laid on the table.

GENERAL FILE RESUMED.

Assembly bill No. 118, "An Act to authorize the guardian, or guardians, of certain minors to sell and dispose of their real estate, and chattels real," taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments of Committee concurred in, bill read a third time, and passed.

Mr. Holden, by leave, introduced a bill for "An Act amendatory of, and supplementary to, an Act entitled an Act creating a State Land Office for the State of California," passed April tenth, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the Committee on Public Lands.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

Mr. President:—I have, this day, at two o'clock, p. m., delivered to the Governor, for his approval, Senate bill No. 113, an Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain parties therein named.

Also, Senate bill No. 119, an Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals.

Also, Senate bill No. 160, an Act to authorize the sale of certain real estate by guardians.

Also, Senate bill No. 172, an Act to audit certain claims.

Also, Senate substitute for Assembly bill No. 82, an Act amendatory of an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof.

A. St. C. DENVER,
Of Committee on Enrolled Bills.

March 25, 1859.

Report accepted.

Mr. Gregory moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Gregory, Quinn, and Burch, and taken, with the following result: ayes, 15—noes, 12.

Ayes—Messrs. Allen, Ballou, Burch, Dickinson, Denver, Garter, Gregory, Holden, Lansing, McDonald, O'Farrell, Pacheco, Parks, Price, and Wheeler—15.

Noes—Messrs. Baker, Burton, Dent, Griffith, Hart, Kirkpatrick, Merritt, Quinn, Redman, Thom, Titus, and Williams—12.

So the Senate adjourned.

Approved.

E. F. BURTON,
President *pro tem.* of the Senate.

Attest: E. C. Palmer, Secretary of the Senate.

IN SENATE.

Saturday, March 26, 1859.

Senate met, pursuant to adjournment.

The Lieutenant-Governor and President *pro tem.* being absent—

On motion of Mr. Merritt, Mr. Burton was called to the Chair.

Roll called.

Journals of yesterday read and approved.

MESSAGE FROM ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,
March 26, 1859.

Mr. President:—The Assembly, on yesterday, concurred in Senate amendment to Assembly bill No. 193, an Act supplemental to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one, approved February twenty-first, one thousand eight hundred and fifty-nine.

C. GILMAN, Clerk of Assembly.

Mr. Grant, of the San Francisco delegation, made a verbal report on Assembly bill No. 214, "An Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco," recommending its passage.

On motion of Mr. Ketcham, the rules were suspended, and Assembly bill No. 178, "An Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force," was taken from the file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Mr. Gregory moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Baker, and McDonald, and taken, with the following result: ayes, 11—noes, 13:

Ayes—Messrs. Ballou, Burton, Dent, Dickinson, Garter, Gregory, Hart, Parks, Parker, Redman, and Wheeler—11.

Noes—Messrs. Baker, Berry, Bradley, Burch, Denver, Grant, Hamm, Holden, Ketcham, Kirkpatrick, McDonald, Merritt, and Quinn—13.

So the Senate refused to adjourn.

Mr. Parker moved a call of the Senate.

Lost.

GENERAL FILE RESUMED.

Senate bill No. 183, "An Act to provide for the payment of fees and costs, in civil actions, and against Counties," taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 205, "An Act to authorize H. A. Bragg, guardian of the minor heirs of David Martin and Anne Martin, deceased, to sell real estate of said minor heirs, at public or private sale," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, read a third time, and passed.

Assembly No. 202, an Act supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight," considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

On motion of Mr. Kirkpatrick, the resolution relative to moving the Capital to Auburn, Placer County, was taken from the table.

The question being on the adoption of the resolution, the ayes and noes were demanded, by Messrs. Baker, Anderson, and Dickinson, and taken, with the following result: ayes, 7—noes, 19:

Ayes—Messrs. Anderson, Baker, Ballou, Gregory, Hamm, Titus, and Wheeler—7.

Noes—Messrs. Berry, Burch, Burton, Dent, Dickinson, Denver, Garter, Grant, Hart, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, Parks, Parker, Redman, and Quinn—19.

So the Senate refused to adopt the resolution.

Mr. Lansing, by leave, offered the following resolution, which was lost:

Resolved, That a Committee of five be appointed to visit Grass Valley, to examine into the propriety of removing the State Capital to that beautiful Mining-Town.

Mr. Wheeler moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Anderson, Baker, and Lansing, and taken, with the following result: ayes, 18—noes, 8:

AYES—Messrs. Ballou, Burton, Dent, Dickinson, Denver, Garter, Gregory, Hart, Hamm, Holden, Kirkpatrick, Lansing, Parks, Parker, Quinn, Redman, Titus, and Wheeler—18.

NOES—Messrs. Anderson, Baker, Berry, Burch, Grant, Ketcham, McDonald, and Merritt—8.

So the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

MONDAY, March 28, 1859.

Senate met, pursuant to adjournment.

The Lieut. Governor and President *pro tem.* being absent—

On motion of Mr. Denver, Mr. Burton was called to the Chair.

Roll called.

No quorum being present, Mr. Berry moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Allen, Bradley, Dent, Dickinson, Gregory, Griffith, Hart, Ketcham, Lansing, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Redman Thom, Wheeler, and Williams.

Sergeant-at-Arms dispatched for absentees.

Mr. Denver moved that further proceedings under the call be dispensed with.

Which was lost.

On motion of Mr. Ballou, further proceedings under the call were dispensed with.

On motion of Mr. Anderson, the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. PALMER, Secretary Senate.

IN SENATE.

TUESDAY, March 29, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Mr. Parker asked and obtained indefinite leave of absence, for Mr. Phelps.

Mr. Burton asked and obtained indefinite leave of absence, for Mr. Lansing.

Journals of Saturday read and approved.

Journals of yesterday read and approved.

PETITIONS.

Mr. Titus presented petitions from the ladies and citizens of El Dorado County, praying for a Sunday Law, etc.

Mr. Griffith presented a petition from the citizens of Napa, against the passage of a bill now before the Senate, relative to a dam across Napa Creek.

Also, a petition from the citizens of Benicia, praying the Legislature to pass a bill repealing the present charter of the City of Benicia, and to fund the debt of the same.

Petitions laid on the table.

Mr. Parker, of the San Francisco delegation, presented a petition from George W. Manchester, administrator of the estate of Thomas Manchester, deceased, relative to certain County warrants, which were lost, said warrants being for the payment of the Greenwich Street Hospital, conveyed to the City and County of San Francisco.

Which was referred to the San Francisco and San Mateo delegation.

Mr. O'Farrell presented a petition from the citizens of Sonoma and Mendocino Counties, relative to the establishment of good roads in said Counties.

Which was laid on the table.

REPORTS.

Mr. Grant, of the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The Select Committee, consisting of the delegation from the Counties of San Francisco and San Mateo, to whom was referred Assembly bill No. 184, an Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund, have had the same under consideration, and report it back to the Senate, with the accompanying substitute, and recommend that the substitute pass.

GRANT, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined

Senate bill No. 183, an Act to provide for the payment of fees and costs in civil actions, by and against Counties.

Also, Senate bill No. 71, an Act to authorize the establishment of County Infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State.

And find the same correctly engrossed.

I. S. TITUS, for Committee.

Report accepted, and, with bill, placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 28, 1859.

To the Senate of California:

I have, this day, approved an Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals, passed April nineteenth, one thousand eight hundred and fifty-six.

Also, an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six.

Also, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one.

Also, an Act to provide for the payment of Volume VIII of the Reports of the Supreme Court of the State of California.

Also, an Act to authorize the sale of certain real estate by guardians.

JOHN B. WELLER.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 26, 1859.

To the Senate of California:

I have, this day, approved an Act "to audit certain claims."

Also, an Act "to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain parties therein named."

Also, an Act "levying the taxes, for the year one thousand eight hundred and fifty-nine, in the County of Sierra, for County purposes."

JOHN B. WELLER.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 28, 1859.

To the Senate of California:

I have to inform your honorable body that, on Saturday last, the Supreme Court rendered a judgment, giving J. F. McCauley the possession of the State-prison, at San Quentin.

I presume a writ of restitution will issue immediately, and an effort be

made to collect the judgment—some fifteen thousand dollars—rendered against me.

Your prompt attention to this subject is, therefore, invoked.

JOHN B. WELLER.

Message referred to the Committee on State-prison.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate bill No. 177, an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in this State.

Also, Senate bill No. 195, an Act explanatory of an Act concerning Notaries Public.

Also, Senate bill No. 197, an Act to fix the compensation of District-Attorney of Santa Cruz County.

Also, Senate bill No. 202, an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Tuolumne.

And find the same correctly enrolled.

A. St. C. DENVER, of Committee.

March 29, 1859.

Report accepted.

Mr. Garter, by leave, introduced a bill for "An Act to authorize the issuance of duplicates of certain lost State bonds."

Which was read first and second times, and referred to the Committee on Finance.

Mr. Baker offered the following resolution:

Resolved, That Jacob Steinman and Christopher Huntermann, Porters of the Senate, be, and are hereby, allowed the sum of one dollar per day, additional to their regular pay, from the third day of January to the end of the Session, payable out of the Contingent Fund of the Senate.

The question being on the passage of the resolution, the ayes and noes were demanded, by Messrs. Anderson, Baker, and Quinn, and taken, with the following result: ayes, 24—noes, 3:

Ayes—Messrs. Baker, Ballou, Berry, Bradley, Burch, Dickinson, Denver, Garter, Grant, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Merritt, O'Farrell, Parks, Parker, Price, Redman, Titus, Wheeler, and Williams—24.

Noes—Messrs. Anderson, McDonald, and Quinn—3.

So the resolution was adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,
March 28, 1859.

Mr. President:—The Assembly, on the twenty-fifth instant, passed

Assembly bill No. 299, an Act to amend the seventy-first section of an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six;

Also, Senate bill No. 219, an Act to audit certain claims;

Also, Senate bill No. 223, an Act to authorize the executors of the estate of Thomas O. Larkin, deceased, to sell and convey certain real estate;

Also, Senate bill No. 173, an Act to appropriate money for the payment of certain claims;

Also, on the twenty-second instant, with amendments, Senate bill No. 140, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty.

C. GILMAN, Clerk.

Senate bill No. 299, "An Act to amend the seventy-first section of an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six, read first and second times, and referred to the San Francisco and San Mateo delegation.

Senate bill No. 140, "An Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty, taken up, and amendments of Assembly concurred in.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,
Sacramento, March 28, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim, which has been passed upon by the Board of Examiners, together with the papers and opinion of the Board.

JOHN B. WELLER,
President of the Board of Examiners.

Communication with accompanying papers, referred to the Committee on Claims.

GENERAL FILE.

Assembly bill No. 237, "An Act supplementary to an Act to regulate fees of office," approved April tenth, one thousand eight hundred and fifty-five, read a third time, and passed.

Senate bill No. 110, "An Act making an appropriation for a wagon-road over the Sierra Nevada," taken up.

Pending which, Mr. Baker moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Hamm, and Titus, and taken, with the following result: ayes, 13—noes, 14:

AYES—Messrs. Anderson, Baker, Ballou, Bradley, Burton, Garter,

Holden, Kirkpatrick, Pacheco, Parks, Quinn, Redman and Williams—13.

Noes—Messrs. Berry, Burch, Dickinson, Denver, Grant, Griffith, Hart, Hamm, McDonald, O'Farrell, Parker, Price, Titus, and Wheeler—14.

So the motion was lost.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Hamm, Berry, and Price, and taken, with the following result: ayes, 14—noes, 13:

Ayes—Messrs. Berry, Burch, Dickinson, Denver, Grant, Griffith, Hart, Hamm, McDonald, O'Farrell, Parker, Price, Titus, and Williams—14.

Noes—Messrs. Anderson, Baker, Ballou, Bradley, Burton, Dent, Garter, Holden, Ketcham, Kirkpatrick, Quinn, Redman, and Wheeler——13.

Declined—Mr. Pacheco.

So the bill passed.

SPECIAL ORDER OF THE DAY.

Senate bill No 170, "An Act to provide for the issuance of patents to lands located with school-land warrants," taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Holden, the title of the bill was amended, by adding after the word "warrants," the words, "and for lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight."

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 206, "An Act for the relief of William T. Barbour, late Judge of the Tenth Judicial District," taken up.

Pending which, Mr. Quinn moved to recommit the bill to the Committee on Claims, with special instructions.

Mr. Price moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Allen, Ballou, Garter, Gregory, O'Farrell, Parker, Quinn, Redman, and Kirkpatrick.

Messrs. O'Farrell, Redman, Parker, and Kirkpatrick, appearing at the bar of the Senate, were admitted.

On motion of Mr. Titus, further proceedings under the call were dispensed with.

On motion of Mr. Burton, the vote by which the bill was considered engrossed, was reconsidered.

The bill was then considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Wheeler, Berry, and Dickinson, and taken, with the following result: ayes, 13—noes, 12:

AYES—Messrs. Anderson, Denver, Garter, Grant, Griffith, Hart, Hamm, Holden, Merritt, O'Farrell, Price, Redman, and Titus—13.

NOES—Messrs. Baker, Ballou, Berry, Burton, Dent, Dickinson, Ketcham, McDonald, Pacheco, Parks, Quinn, and Wheeler—12.

So the bill passed.

Mr. Griffith, by leave, introduced a bill for an Act to audit and allow the claim of Wm. T. Barbour, for back salary, as County Judge of the Tenth Judicial District.

Which was read first and second times, rules further suspended, bill considered engrossed and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Ballou, Baker, and Denver, and taken, with the following result: ayes, 15—noes, 11:

AYES—Messrs. Anderson, Burch, Denver, Garter, Grant, Griffith, Hart, Hamm, Holden, Kirkpatrick, Merritt, O'Farrell, Price, Redman, and Titus—15.

NOES—Messrs. Baker, Ballou, Berry, Burton, Dent, Dickinson, McDonald, Pacheco, Parks, Quinn, and Wheeler—11.

So the bill passed.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 212, an Act to provide for the better observance of the first day of the week, commonly called Sunday, taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, with the exception of striking out the proviso to section third.

The amendments of the Committee to the third section, were then concurred in.

Mr. Denver moved to insert, after the word "shall," in the first line, the words, "after ten o'clock, A. M."

Upon which, the ayes and noes were demanded, by Messrs. Burch, Quinn, and Baker, and taken, with the following result: ayes, 13—noes, 12.

AYES—Messrs. Ballou, Berry, Burton, Denver, Hamm, Holden, McDonald, Merritt, O'Farrell, Price, Quinn, Redman, and Titus—13.

NOES—Messrs. Anderson, Baker, Burch, Dent, Dickinson, Garter, Grant, Griffith, Hart, Parks, Wheeler, and Williams—12.

So the amendment was adopted.

On motion of Mr. Denver, the fifth line, first section, was amended, by inserting, after the word "merchandise," the words, "after ten o'clock, A. M."

On motion of Mr. Burch, section second was amended, after the word "business," in the third line, by inserting the words, "after ten o'clock, A. M."

Mr. Burton moved to strike out the second section of the bill.

Mr. Berry offered the following amendment to the second section:

"*And provided, further*, that the provisions of this Act shall not apply to any person who conscientiously believes that no day ought to be observed as a Sabbath."

Pending the consideration of the amendment, on motion of Mr. Griffith, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

WEDNESDAY, March 30, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 181, for an Act entitled an Act to authorize the receipt of certain lost school-land warrants, have instructed me to report the same back to the Senate, without recommendation.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly bill No. 154, "An Act authorizing Charles B. Ryder to construct a wharf, at Trinidad Bay, in Klamath County," have had the same under consideration, and report it back—Messrs. Grant, Griffith, and Hart, recommend its passage, and Mr. McDonald recommends it be indefinitely postponed, for the following reasons:

First—The right to construct a wharf at the same place, and within the limits mentioned in this bill, was granted, at the last session of the Legislature, (see Statutes of the year one thousand eight hundred and fifty-eight, page two hundred and fifty-two,) to Messrs. Marx, Nordheimer, and others, for the term of twenty-five years.

Second—The bill proposes to grant, to the said Ryder, the use of the overflowed lands, on each side of said wharf, to the distance of five hundred feet from each side of said wharf. This provision gives to the said Ryder the entire control of a belt of land over one thousand feet in width, and of indefinite length, which is unnecessary for the construction and maintenance of the wharf, and seems to be sought for purposes of monopoly, only.

Third—The general law of the State, authorizing the Boards of Supervisors of the several Counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, (see Statutes of the year one thousand eight hundred and fifty-eight, page one hundred and twenty,) provides for the construction of this, and all similar wharves. And, as the Boards of Supervisors are supposed to be more familiar with the wants and necessities of their respective Counties, it is right and proper that the subject should be referred to them.

Respectfully submitted,

J. M. McDONALD, Chairman.

Report accepted, and, with bill, placed on file.

Mr Pacheco made a verbal report on Assembly bill No. 197, "An Act to provide for the better encouragement of the culture of the vine and the olive," recommending its passage.

Mr. Berry, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—Your Committee on Public Expenditures have examined the accounts of the Secretary of the Senate, and beg leave to make the accompanying report of the number of folios copied into the Senate Journal, and Appendix to the same;

Also, the number of folios copied for the Printer, and the amounts allowed for the same.

J. BERRY, for the Committee.

State of California,

To E. C. Palmer, Secretary of the Senate, Dr.,

For copying into Senate Journal, pages six hundred and thirty-seven and seven hundred and twenty-nine, inclusive, six hundred and fifty-one folios, at fifteen cents	$97 65
For copying into Appendix, pages one and forty, inclusive, five hundred and fifty folios, at fifteen cents	82 50
For copying six hundred and fifty-one folios for Printer, at ten cents per folio	65 10
For copying five hundred and fifty folios for Printer, at ten cents	55 00
For copying, for Printer, Assembly bill No. 214, two folios, at ten cents per folio	20
Senate bill No 194, two folios, at ten cents per folio	20
Senate bill No. 212, five folios, at ten cents per folio	50
Assembly bill No. 233, twenty-five folios, at ten cents per folio	2 50
Assembly bill No. 186, five folios, at ten cents per folio	50

Substitute for Assembly bill No. 186, five folios, at ten cents per folio		50
Senate bill No. 84, two hundred and nine folios, at ten cents per folio		20 90
Three hundred and twenty-five dollars and fifty-five cents	$325	55

Examined, audited, and allowed.

J. BERRY,
O'FARRELL,
GRIFFITH,
Committee on Public Expenditures.

On motion of Mr. Berry, the rules were suspended, report taken up, and adopted.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 163, an Act to authorize J. Granville Doll to convey water into the Town of Red Bluff, by means of pumps and pipes.

Also, Senate bill No. 152, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax to be levied, and collected, from foreign and inland bills, and other matters, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Also, Senate bill No. 171, an Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State.

Also, Senate bill No. 220, an Act to appropriate money to pay O. L. Shafter, J. McM. Shafter, and Solomon Heydenfeldt, for legal services.

Also, Senate Concurrent-Resolution No. 30, relative to commencing suits against S. A. McMeans, late State Treasurer, and sureties.

And find the same correctly engrossed.

I. S. TITUS, for the Committee.

Report accepted, and bills placed on file.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 180, an Act to amend an Act entitled an Act for the government of Indians, passed April twenty-second, one thousand eight hundred and fifty.

Also, Senate bill No. 166, an Act recommending to the electors of the State to vote for, or against, a Convention to revise and change the Constitution of this State.

And find the same correctly engrossed.

BAKER, Chairman.
I. S. TITUS, of Committee.

Report accepted.

Mr. Parker, of the San Francisco and San Mateo delegations, made the following report:

MR. PRESIDENT:—The Delegation from San Francisco and San Mateo, to whom was referred the petition of George W. Manchester, administrator of the estate of Thomas Manchester, deceased, have had the same under consideration, and recommend the passage of the accompanying bill.

S. H. PARKER, for Delegation.

Report accepted, and, with bill, placed on file.

Mr. Titus, of Special Joint Committee, on part of the Senate, made the following report:

MR. PRESIDENT:—The Special Joint Committee, appointed "to examine the vouchers for the issuance of three millions nine hundred thousand dollars bonds issued by the State Treasurer, and to deface all that are found to be legal," having fully attended to the same, submit the following report:

The Committee, on a thorough examination of the State Treasurer's books, pertaining to said business, found a full and complete record of all the transactions, in accordance with the "Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose," approved April twenty-eighth, one thousand eight hundred and fifty-seven.

Also, examined, and defaced, legal vouchers for the full amount authorized by the aforesaid Act, and have deposited said vouchers with the Secretary of State, as required by section fifth of the same.

The State Treasurer, and his assistants, can not be awarded too much praise, for the perfect and comprehensive method with which they have complied with the requirements of the law.

T. G. PHELPS,
Chairman Senate Committee.
I. S. TITUS,
W. H. PARKS.
OGDEN SQUIRES,
Chairman House Committee.
JAMES M. TAYLOR,
A. J. GREGORY.

Report accepted.

Mr. Titus, by leave, introduced the following resolution, which was adopted:

Resolved, By the Senate, that the Controller of State is hereby authorized to draw his warrant for the sum of one hundred and ——— dollars, in favor of C. L. Hardenbergh, payable out of the Contingent Fund of the Senate, said sum being one-half of the amount due him for services as Clerk to the Joint Committee appointed to examine, and deface, the vouchers upon which was issued the three millions nine hundred thousand dollars, in bonds of this State, under the Act of one thousand eight hundred and fifty-seven.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the twenty-ninth instant, passed Senate bill No. 135, an Act to amend an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-

one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and incorporate the City and County of Sacramento.

Also, Senate bill No. 199, an Act for the settlement of the estate of William Knight, deceased.

Also, Senate bill No. 138, an Act to authorize Solon S. Simonds to construct a canal in Santa Clara County.

Also, Assembly bill No. 107, an Act to fix the amount of official bonds of the County officers in and for the County of El Dorado.

Also, on the twenty-third instant, passed Assembly bill No. 270, an Act to create the County of Alturas, to define its boundaries, and provide for its organization.

Also, on the twenty-second instant, passed Assembly bill No. 264, An Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado.

C. GILMAN, Clerk of the Assembly.

Assembly bill No. 107, "An Act to fix the amount of the official bonds of the County officers in and for the County of El Dorado," read first and second times and referred to the El Dorado delegation.

Assembly bill No. 270, "An Act to create the County of Alturas, to define its boundaries, and provide for its organization," read first and second times, and referred to the Committee on Counties and County boundaries.

Assembly bill No. 264, "An Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado," read first and second times, and referred to the El Dorado delegation.

Mr. Garter, by leave, introduced a bill for "An Act to regulate the issuance of certificates of judgments, or *remittiturs*, in cases decided upon appeal in the Supreme Court."

Read first and second times.

Mr. Griffith moved that the bill be referred to the Judiciary Committee.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Burch, and Merritt, and taken, with the following result: ayes, 12—noes, 18:

AYES—Messrs. Grant, Gregory, Griffith, Hart, Hamm, Holden, Ketchum, Kirkpatrick, McDonald, Pacheco, Price, and Wheeler—12.

NOES—Messrs. Anderson, Baker, Ballou, Berry, Burch, Burton, Dent, Dickinson, Garter, Merritt, O'Farrell, Parks, Parker, Phelps, Quinn, Redman, Titus, and Williams—18.

So the motion was lost.

Mr. Merritt offered the following amendment, which was adopted:

Section second—This Act shall expire by limitation, and be of no effect, on and after the fifth day of May, one thousand eight hundred and fifty-nine.

Mr. Wheeler offered the following amendment:

Provided, This Act shall not affect any proceedings under judgments rendered in the Supreme Court anterior to the twenty-sixth day of March, A. D., one thousand eight hundred and fifty-nine.

Pending which, the hour arrived for the

SPECIAL ORDER OF THE DAY.

On motion of Mr. Burton, the special order of the day was laid on the table.

The rules were suspended, including the Forty-fifth Rule, the bill considered engrossed, and read a third time.

On motion of Mr. Berry, the bill was made the special order of the day for this day, March thirtieth, at one o'clock, P. M.

Mr Anderson, by unanimous leave, offered the following resolution, which was adopted:

Resolved, That Charles Newell and M. S. Gregory, Senate Pages, and Frederick F. Wright, Paper-Folder for the Senate, be, and are hereby, allowed the sum of one dollar per day, additional to their regular pay, from the date of their employment, respectively, payable out of the Contingent Fund of the Senate, and the Controller of State is hereby authorized to draw his warrant for the same.

SPECIAL ORDER OF THE DAY.

Senate bill No. 161, "An Act relating to the possession of lands, the recording of conveyances, and the effect thereof," considered in Committee of the whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

Mr. Wheeler offered the following amendment, which was adopted:

Amend section eighth, by adding, "*Provided*, that the notice of claim prescribed in this section, shall be verified by the affidavit of the claimant, and recorded, with such notice."

Mr. Dent offered the following amendment, which was lost:

Section tenth, sixth line, after the word "will," insert "notice, or the means of acquiring notice."

The bill was then ordered engrossed, and read a third time.

On motion of Mr. Burch, Senate bill No. 166, an Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State, was taken up.

Mr. Burch moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Anderson, Garter, Hart, O'Farrell, and Parks.

Messrs. Anderson, Garter, and Hart, appearing at the bar of the Senate, were admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burch, Griffith, and Titus, and taken, with the following result: ayes, 27—noes, 6:

AYES—Messrs. Anderson, Allen, Baker, Berry, Bradley, Burch, Burton,

Dent, Dickinson, Denver, Garter, Grant, Griffith, Hart, Hamm, Holden, Kirkpatrick, McDonald, Merritt, O'Farrell, Parks, Price, Redman, Thom, Titus, Wheeler, and Williams—27.

Noes—Messrs. Ballou, Gregory, Ketcham, Pacheco, Phelps, and Quinn —6.

So the bill passed.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No 38, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one, taken up, and the amendments of the Assembly concurred in.

On motion of Mr. Burch, unanimous leave of the Senate was granted to Messrs. Parks and O'Farrell, to have their votes recorded in the affirmative on the vote taken on Senate bill No. 166.

FURTHER SPECIAL ORDER OF THE DAY.

Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco, taken up.

Mr. Burton in the Chair.

The question being on the reconsideration of the vote by which the Senate refused to pass the bill, the ayes and noes were demanded, by Messrs. Merritt, Burch, and Price, and taken, with the following result: ayes, 16—noes, 13:

Ayes—Messrs. Anderson, Allen, Baker, Berry, Bradley, Dent, Denver, Garter, Grant, Hart, Holden, Kirkpatrick, Merritt, O'Farrell, Parks, and Quinn—16.

Noes—Messrs. Ballou, Burton, Dickinson, Gregory, Ketcham, McDonald, Pacheco, Parker, Price, Thom, Titus, Wheeler, and Williams—13.

So the vote was reconsidered.

Mr. Merritt offered the following additional section, which was adopted:

Section six—Nothing in this Act shall be so construed as to deprive the Courts of any jurisdiction, under the law, as it now exists.

Mr. Phelps offered the following amendment, which was adopted:

Amend, by inserting after the word "Larkin," the words "and Johnson streets."

The bill was then read a third time.

The question being on the passage of the bill, on motion of Mr. Burton, the bill was laid on the table.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 232, an Act to regulate the issuance of certificates of

judgments, or *remittiturs*, in cases decided upon appeal in the Supreme Court, taken up.

Pending which, Mr. Burch moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Denver, Garter, Griffith, O'Farrell, Pacheco, Redman, Thom, and Williams.

Sergeant-at-Arms dispatched for absentees.

Messrs. Garter, Thom, Pacheco, and Williams, appearing at the bar of the Senate, were admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Dickinson, and Burch, and taken, with the following result: ayes, 22—noes, 8:

Ayes—Messrs. Anderson, Baker, Ballou, Berry, Bradley, Burch, Burton, Dent, Dickinson, Garter, Grant, Hart, Kirkpatrick, McDonald, Merritt, Pacheco, Parks, Parker, Phelps, Quinn, Thom, and Titus—22.

Noes—Messrs. Allen, Gregory, Hamm, Holden, Ketcham, Price, Wheeler, and Williams—8.

So the bill passed.

SPECIAL ORDER OF THE DAY.

On motion of Mr. Burton, the special order of the day—Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco—was taken from the table.

Mr. Burch in the Chair.

Pending which, Mr. Merritt moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Berry, Dickinson, Griffith, O'Farrell, Pacheco, Quinn, and Redman.

Sergeant-at-Arms dispatched for absentees.

Messrs. Pacheco, Quinn, Berry, and Dickinson, appearing at the bar of the Senate, were admitted.

On motion of Mr. Pacheco, further proceedings under the call were dispensed with.

The question recurring on the passage of the bill, the ayes and noes were demanded, by Messrs. Merritt, Parker, and Anderson, and taken, with the following result: ayes 12—noes, 16:

Ayes—Messrs. Anderson, Allen, Baker, Bradley, Dent, Garter, Grant, Hart, Holden, Kirkpatrick, Merritt, and Parks—12.

Noes—Messrs. Ballou, Berry, Burton, Denver, Gregory, Hamm, Ketcham, McDonald, Pacheco, Parker, Price, Quinn, Thom, Titus, Wheeler, and Williams—16.

So the Senate refused to pass the bill.

Mr. Quinn gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on the twenty-fourth instant, passed Assembly bill No. 281, an Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka.

Also, Assembly bill No. 287, an Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.

Also, Assembly bill No. 295, an Act concerning the office of County Judge of Mariposa County.

Also, with amendment, Senate bill No. 131, an Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive, and ask the concurrence of the Senate.

R. R. MACGILL, Assistant Clerk of Assembly.

Assembly bill No. 281, "An Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka," read first and second times.

Mr. Burton moved to refer the bill to the Committee on Finance.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Denver, and Quinn, and taken, with the following result: Ayes, 12—noes, 13:

AYES—Messrs. Anderson, Ballou, Burton, Dent, Dickinson, Gregory, Holden, Ketcham, Kirkpatrick, Pacheco, Quinn, and Thom—12.

NOES—Messrs. Baker, Berry, Bradley, Burch, Denver, Garter, Grant, Hamm, McDonald, Parker, Phelps, Price, and Titus—13.

DECLINED—Messrs. Wheeler and Williams declined to vote.

So the motion was lost.

Mr. Berry moved that the bill be referred to the Committee on Internal Improvements.

Upon which, the ayes and noes were demanded, by Messrs. Denver, Parker, and Burton, and taken, with the following result: ayes, 18—noes, 8:

AYES—Messrs. Baker, Berry, Bradley, Burch, Dent, Dickinson, Denver, Garter, Grant, Hart, Hamm, Kirkpatrick, McDonald, Parks, Parker, Phelps, Price, and Titus—18.

NOES—Messrs. Anderson, Ballou, Burton, Gregory, Holden, Pacheco, Quinn, and Thom—8.

DECLINED—Mr. Ketcham declined to vote.

So the motion was adopted.

Assembly bill No. 287, "An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-seven, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento," read first and second times, and referred to the Sacramento delegation.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—I have, this day, at two o'clock, P. M., delivered to the Governor, for his approval, Senate bill No. 177, an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in this State.

Also, Senate bill No. 195, an Act explanatory of an Act concerning Notaries Public.

Also, Senate bill No. 197, an Act to fix the compensation of the District-Attorney of Santa Cruz County.

Also, Senate bill No. 202, an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Tuolumne.

A. ST. C. DENVER,
Of Committee on Enrolled Bills.

MARCH 30, 1859.

Report accepted.

Mr. Bradley, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 231, an Act to audit and allow the claim of William T. Barbour, for back salary as District Judge of the Tenth Judicial District.

Also, Senate bill No. 206, an Act for the relief of William T. Barbour, late Judge of the Tenth Judicial District.

And find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted.

FURTHER CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 295, "An Act concerning the office of County Judge of Mariposa County," read first and second times, and referred to the Senator from that District.

Senate bill No. 131, "An Act making appropriations for supporting the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive," amendments of Assembly taken up, *seriatim*, and the second, twenty-second, twenty-third, and twenty-sixth amendments concurred in.

The Senate refused to concur in the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-fourth, and twenty-fifth amendments of the Assembly.

INTRODUCTION OF BILLS.

Mr. Berry, by leave, introduced a bill for "An Act to further define the duties of State-Printer."

Which was read first and second times, and placed on file.

Mr Merritt, by leave, introduced a bill for "An Act authorizing the construction of wharves at the foot of certain streets in the City and County of San Francisco."

Which was read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Ballou, by leave, introduced a bill for "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada, by way of the Indian-Valley and Honey-Lake route."

Which was read first and second times, and referred to the Committee on Internal Improvements.

Mr. Denver, by leave, introduced a bill for "An Act to fix the terms of the County Court, and the Court of Sessions, of the County of El Dorado."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Anderson, by leave, introduced a bill for "An Act amendatory of an Act entitled an Act concerning corporations," passed April twenty-second, one thousand eight hundred and fifty.

Which was read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Holden, Senate bill No. 216, "An Act to enable the State of California to receive the benefit of the swamp and overflowed lands within her limits," was taken from the file, and made the special order of the day for Saturday, April second, at twelve oclock, M.

On motion of Mr. Merritt, Senate bill No. 196, "An Act for the relief of William A. King, County Treasurer of Mariposa County," was taken from the file, and considered in Committee of the whole.

IN SENATE.

Reported back, rules further suspended, considered engrossed, read a third time, and passed.

On motion of Mr. Phelps, the usual number of copies of Senate bill No. 234, "An Act to authorize the construction of wharves at the foot of certain streets in the City and County of San Francisco," was ordered printed.

On motion of Mr. Phelps, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of Senate.

IN SENATE.

THURSDAY, March 31, 1859.

The Senate met, pursuant to adjournment.
President in the Chair.
Roll called.
Journal of yesterday read and approved.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 225, "An Act to authorize the Weaverville and Shasta Wagon-Road Company to file certain papers *nunc pro tunc*;"

Also, Assembly bill No. 288, "An Act to amend an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador," approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine;

Have had the same under consideration, report both bills back, and recommend their passage.

Senate bill No. 225, amended, as per amendment attached.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

On motion of Mr. Burch, the rules were suspended, and Senate bill No. 225, an Act to authorize the Weaverville and Shasta Wagon-Road Company to file certain papers *nunc pro tunc*, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Phelps, of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—Your Committee on Federal Relations, to whom was referred substitute for Assembly Concurrent-Resolution No. 36, in relation to a Railroad Convention of the States of California and Oregon, and the Territory of Washington, have had the same under consideration, and report the resolution back, and recommend its passage.

PHELPS, for the Committee.

Report accepted, and, with resolution, placed on file.

Mr. Redman, Chairman of the Committee on Education, made the following report:

MR. PRESIDENT:—Your Committee on Education, to whom was referred Senate bill No. 112, entitled "An Act amendatory of, and supplementary to, an Act to establish, support, and regulate, common schools, and to repeal former Acts concerning the same," approved May third, one thou-

sand eight hundred and fifty-five, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

R. A. REDMAN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 170, "An Act to provide for the issuance of patents to lands located with State school-land warrants, and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

Mr. Titus, of the El Dorado delegation, made the following report:

MR. PRESIDENT:—The delegation from El Dorado, to whom was referred "An Act to fix the amount of the official bonds of the County officers, in and for the County of El Dorado," having had the same under consideration, report the same back, and recommend its passage.

I. S. TITUS,
S. F. HAMM,
W. B. DICKINSON,
A. ST. CLAIR DENVER.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Gregory, by leave, introduced a bill for "An Act to authorize the administrator of Juan Vallejo, deceased, and others, to sell real estate of the intestate at private sale."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Anderson, by leave, introduced a bill for "An Act in relation to trial-jurors in the Court of Sessions, and County Court, of the County of Placer."

Which was read first and second times, rules suspended, bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in.

On motion of Mr. Dent, the County of San Joaquin was inserted in the bill.

The rules were then suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Anderson, the title was amended, so as to read as follows:

"An Act in relation to trial-jurors in the Courts of Sessions, and County Courts, of certain Counties of this State."

Mr. Titus, by leave, introduced a bill for "An Act to repeal an Act in relation to the creation of Pa-Utah County."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Lansing presented certain accounts, which were referred to the Committte on Contingent Expenses

Mr. Thom, by unanimous leave, introduced a bill for "An Act to authorize the administrator of Patrick N. Madigan, deceased, to sell real estate at private sale."

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Burton, Senate bill No. 84, "An Act to provide revenue for the support of the Government of this State," was taken from file.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Quinn, and Lansing, and taken, with the following result: ayes, 22—noes, 6:

Ayes—Messrs. Anderson, Baker, Berry, Bradley, Burton, Dickinson, Denver, Grant, Gregory, Holden, Kirkpatrick, Lansing, O'Farrell, Pacheco, Parks, Phelps, Quinn, Redman, Thom, Titus, Wheeler, and Williams—22.

Noes—Messrs. Allen, Burch, Garter, Hamm, Merritt, and Price—6.

Declined—Mr. McDonald declined to vote.

So the bill passed.

Mr. Quinn, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, refused to pass Assembly bill No. 239, "An Act to provide for the location of slaughter-houses in the City and County of San Francisco."

Pending which, Mr. Parker moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Denver, Griffith, Hart, and Hamm.

Sergeant-at-Arms dispatched for absentees.

Mr. Hart appearing at the bar of the Senate, was admitted.

Mr. Lansing moved that further proceedings under the call be dispensed with.

Lost.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

The question being on the motion to reconsider the vote by which the Senate refused to pass the bill, the ayes and noes were demanded, by Messrs. Burton, Pacheco, and Merritt, and taken, with the following result: ayes, 14—noes, 13:

Ayes—Messrs. Anderson, Allen, Baker, Berry, Bradley, Garter, Grant, Holden, Kirkpatrick, Lansing, Merritt, O'Farrell, Parks, and Quinn—14.

Ayes—Messrs. Burton, Dickinson, Gregory, Ketcham, McDonald, Pacheco, Parker, Phelps, Price, Thom, Titus, Wheeler, and Williams—13.

Declined—Messrs. Burch and Redman declined to vote.

So the motion was reconsidered.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Merritt, and Quinn, and taken, with the following result: ayes, 15—noes, 14:

AYES—Messrs. Anderson, Allen, Baker, Bradley, Dent, Garter, Grant, Hart, Holden, Kirkpatrick, Lansing, Merritt, O'Farrell, Parks, and Quinn —15.

NOES—Messrs. Berry, Burton, Dickinson, Gregory, Ketcham, McDonald, Pacheco, Parker, Phelps, Price, Thom, Titus, Wheeler, and Williams—14.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 31, 1859.

To the Senate of California:

I have, this day, approved an Act "To fix the compensation of the District-Attorney of the County of Santa Cruz, and to repeal all former Acts in relation thereto."

Also, an Act "Fixing the time of holding the Court of Sessions, and County Court, in the County of Tuolumne."

Also, an Act "Explanatory of an Act to amend an Act concerning Notaries Public, passed April thirteenth, one thousand eight hundred and fifty-seven, passed March sixteenth, one thousand eight hundred and fifty-nine."

JOHN B. WELLER.

SPECIAL ORDER OF THE DAY.

Senate bill No. 133, "An Act amendatory of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one," was taken up.

The question being on the motion of Mr. Anderson, to reconsider the vote by which the Senate refused to pass the bill, the ayes and noes were demanded, and taken, with the following result: ayes, 10—noes, 19:

AYES—Messrs. Anderson, Allen, Burton, Dickinson, Garter, Grant, Kirkpatrick, McDonald, Redman, and Titus—10.

NOES—Messrs. Ballou, Berry, Burch, Dent, Denver, Gregory, Hamm, Holden, Ketcham, Lansing, Merritt, O'Farrell, Pacheco, Parker, Phelps, Price, Quinn, Thom, and Wheeler—19.

So the Senate refused to reconsider.

Mr. Phelps in the Chair.

Mr. Burton asked and obtained indefinite leave of absence, for Mr. Griffith.

Mr. Bradley, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate bill No. 196, "An Act for the relief of William A. King, County Treasurer of Mariposa County," and find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted.

Also, the following report from the same:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined

Senate bill No. 225, "An Act to authorize the Weaverville and Shasta Wagon-Road Company to file certain papers *nunc pro tunc*," and find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted.

Mr. Titus, of the Committee on Engrossed bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 233, "An Act to fix the terms of the County Court, and Court of Sessions, of the County of El Dorado," and find the same correctly engrossed.

I. S. TITUS, for Committee.

Report accepted.

Mr. Ballou presented a petition from citizens of Sierra County, relative to the new County of Alturas.

Which was referred to the Committee on Counties and County Boundaries.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 170, "An Act to provide for the issuance of patents to lands located with State school-land warrants," and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

President *pro tem.* in the Chair.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 127, "An Act extending the privilege of the Homestead Law to certain persons, and to regulate the creation of the same," was taken up.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burton, Denver, and Pacheco, and taken, with the following result: ayes, 10—noes, 13:

Ayes—Messrs. Dent, Dickinson, Gregory, Holden, Ketcham, McDonald, O'Farrell, Pacheco, Parker, and Redman—10.

Noes—Messrs. Anderson, Berry, Bradley, Burton, Denver, Grant, Hamm, Kirkpatrick, Merritt, Phelps, Price, Thom, and Wheeler—13.

So the Senate refused to pass the bill.

Mr. Anderson gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 179, an Act to authorize the Counties of the State of of California, and incorporporated Cities, to become stockholders in Railroad Companies, taken up, considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, and read a third time.

On motion of Mr. Burton, the vote by which the bill was considered engrossed, and read a third time, was reconsidered.

Mr. McDonald offered the following amendment, which was lost:

Strike out in section five, the words, "on said proposition," and insert the words, "at said election."

On motion of Mr. Redman, the bill was amended, by striking out, in the bill, all that relates to incorporated Cities, or authorities.

Mr. Redman moved to strike out "Cities and Counties," and insert "the Counties of Santa Clara and San Mateo."

Which was lost.

On motion of Mr. Wheeler, line third, section fifth, was amended, by striking out the words, "a majority," and inserting the words, "two-thirds."

The question being on ordering the bill engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Berry, Phelps, and Denver, and taken, with the following result: ayes, 16—noes, 11:

AYES—Messrs. Anderson, Ballou, Burch, Dent, Garter, Grant, Holden, Kirkpatrick, Merritt, Parker, Phelps, Price, Redman, Titus, Wheeler, and Williams—16.

NOES—Messrs. Baker, Berry, Bradley, Burton, Denver, Gregory, Lansing, McDonald, O'Farrell, Pacheco, and Quinn—11.

DECLINED—Messrs. Ketcham and Thom.

So the bill was ordered engrossed, and read a third time.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
March 31, 1859.

MR. PRESIDENT:—The Assembly, on yesterday, passed Assembly Concurrent-Resolution No. 40, relative to a mail-route from the Sink of the Humboldt to Marysville.

C. GILMAN, Clerk of the Assembly.

Assembly Concurrent-Resolution No. 40, relative to mail-route from the Sink of the Humboldt to Marysville, taken up, and adopted.

On motion of Mr. Williams, the rules were suspended, and Assembly bill No. 141, an Act to change the name of Frederick Ferdinand Seidenbinder, to Frederick Ferdinand Seiden, was taken from the table, read a third time, and passed.

On motion of Mr. Parker, Assembly bill No. 214, an Act to provide for the payment of judgments against the City and City and County of San Francisco, was taken from file, read a third time, and passed.

Mr. Burton in the Chair.

On motion of Mr. Burch, Assembly bill No. 206, an Act to regulate sal-

mon fisheries, on Eel River, in Humboldt County, was taken from the table.

Mr. McDonald moved to strike out section third of the bill, which was lost.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. O'Farrell, Dickinson, and Lansing, and taken, with the following result: ayes, 14—noes, 12:

AYES—Messrs. Allen, Berry, Burch, Dent, Denver, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, Merritt, Quinn, Redman, and Williams —14.

NOES—Messrs. Anderson, Baker, Ballou, Bradley, Burton, Dickinson, Garter, McDonald, O'Farrell, Pacheco, Parker, and Titus—12.

DECLINED—Messrs. Phelps and Thom.

So the bill passed.

Mr. Anderson, Chairman of Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations have had under consideration Senate bills Nos. 190 and 237, said bills being each entitled "An Act amendatory of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty," and herewith return the same.

The Committee recommend that bill No. 190 be indefinitely postponed, and the fourth section of bill 237, be amended, by adding the subjoined proviso, after the word "corporation," in the forty-eighth line, and then considered by the Senate:

Provided, That no sale or transfer of the franchise, or of any of the property of the corporation, shall be valid, for any purpose whatever, unless the said bridge shall have been built, and in use as such, by the public, for at least one month, at the time of such sale, or transfer.

JAMES ANDERSON, Chairman of Committee.

Report accepted, and, with bill, placed on file.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 228, for an Act entitled an Act amendatory of, and supplemental to, an Act entitled an Act creating a State Land Office for the State of California, passed April tenth, one thousand eight hundred and fifty-eight, have had the same under consideration, and I am instructed to report the same to the Senate, and recommend the passage of the bill.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

GENERAL FILE.

Senate bill No. 71, "An Act to authorize the establishment of County Infirmaries for the relief of the indigent, and to amend an Act entitled

an Act to provide for the indigent sick, in the Counties of this State," taken up.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Phelps, Ballou, and Lansing, and taken, with the following result: ayes, 24—noes, 7:

AYES—Messrs. Anderson, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Hamm, Holden, Ketcham, Kirkpatrick, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Redman, Thom, Titus, and Williams—24.

NOES—Messrs. Allen, Baker, Ballou, Berry, Lansing, Quinn, and Wheeler—7.

So the bill passed.

Mr. Anderson gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

On motion of Mr. Merritt, the Secretary was instructed to transmit to the Assembly the papers and communications relative to William A. King, Treasurer of Mariposa County.

Mr. Wheeler moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Phelps, and Berry, and taken, with the following result: ayes, 19—noes, 12:

AYES—Messrs. Anderson, Allen, Baker, Bradley, Burch, Dent, Dickinson, Denver, Garter, Hamm, Ketcham, Kirkpatrick, O'Farrell, Pacheco, Parks, Price, Quinn, Thom, and Wheeler—19.

NOES—Messrs. Ballou, Berry, Burton, Holden, Lansing, McDonald, Merritt, Parker, Phelps, Redman, Titus, and Williams—12.

So the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

FRIDAY, April 1, 1859.

Senate met, pursuant to adjournment.

President in the chair.

Roll called.

Journal of yesterday read and approved.

On motion of Mr. Ballou, leave of absence was granted to Mr. Hart, for two days.

Mr. McDonald presented a petition, from citizens of Napa County, in favor of the bill now before the Senate, for the erection of a dam in Napa Creek, in Napa County.

Which was referred to the Committee on Commerce and Navigation.

Mr. Thom presented a petition from citizens of Los Angeles County, relative to the limits of the City of Los Angeles.

Which was laid on the table.

Mr. Parks, Chairman of the Committee on Public Morals, made the following report:

Mr. President:—Your Committee on Public Morals, to whom was referred Assembly bill No. 131, "An Act to prohibit gaming," have had the same under consideration, and beg leave to report it back, and recommend its passage.

They have also had under consideration Senate bill No. 198, "An Act to prohibit the adulteration of wines and liquors," and beg leave to recommend that it be indefinitely postponed.

W. H. PARKS, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 239, "An Act in relation to trial-jurors in the Court of Sessions, and County Courts, of certain Counties of this State."

Also, Senate bill No. 240, "An Act to repeal an Act relative to the creation of Pa-Utah County."

Also, Senate bill No. 161, an Act relating to the possession of lands, the recording of conveyances, and the effect thereof.

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and bill placed on file.

Mr. Grant, Chairman of the Committee on Internal Improvements, made the following report:

Mr. President:—The Committee on Internal Improvements, to whom was referred Assembly bill No. 281, "An Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties, for the year one thousand eight hundred and fifty-nine, and the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka," have had the same under consideration, and recommend its passage.

They have, also, considered Senate bill No. 236, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada, by way of the Indian-Valley and Honey-Lake route," and report it back to the Senate, without recommendation.

GILBERT A. GRANT, Chairman.
J. BERRY,
W. H. PARKS,
I. S. TITUS.

I recommend the passage of both bills.

CHAS. H. S. WILLIAMS.

Report accepted, and, with bills, placed on file.

Mr. Quinn presented certain accounts of the Sergeant-at-Arms, which were referred to the Committee on Contingent Expenses.

Mr. Thom presented certain newspaper accounts, which were referred to the Committee on Contingent Expenses.

Mr. Ketcham presented certain newspaper accounts, which were referred to the Committee on Contingent Expenses.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, adopted Assembly Concurrent-Resolution No. 42, instructing the Attorney-General to procure a re-hearing in the case of McCauley *v.* Weller.

C. GILMAN, Clerk.

MARCH 31, 1859.

Assembly Concurrent-Resolution No. 42, instructing the Attorney-General to procure a re-hearing in the case of McCauley *v.* Weller, was taken up, and adopted.

INTRODUCTION OF BILLS.

Mr. Thom, by leave, introduced a bill for an Act to authorize the Common Council of the City of Los Angeles to extend the City limits.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Parker, by leave, introduced a bill for an Act to amend an Act entitled an Act to authorize George A. Ensign, and others, of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the City and County of San Francisco, passed April twenty-third, one thousand eight hundred and fifty-eight.

Which was read first and second times, and referred to the San Francisco and San Mateo delegation.

Mr. Berry, by leave, introduced a bill for an Act to change the name of Julien Neuschwander.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Anderson, by leave, introduced a bill for an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Garter, by leave, introduced a bill for an Act to condemn, and appropriate, to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situated on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest.

Which was read first and second times, rules further suspended, bill considered in Committee of the Whole.

IN SENATE.

Reported back, referred to the Judiciary Committee, and the usual number of copies of the bill ordered printed.

Mr. Anderson, pursuant to notice given on yesterday, moved to reconsider the vote by which the Senate refused to pass Senate bill No. 127,

an Act extending the privileges of the homestead to certain persons, and to regulate the creation of the same.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Lansing, and Phelps, and taken, with the following result: ayes, 18—noes, 12:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Dent, Dickinson, Garter, Gregory, Griffith, Holden, Ketcham, McDonald, O'Farrell, Pacheco, Parker, Quinn, and Williams—18.

NOES—Messrs. Berry, Burch, Burton, Hamm, Lansing, Merritt, Parks, Phelps, Price, Thom, Titus, and Wheeler—12.

So the vote was reconsidered.

Mr. Berry moved to recommit the bill, with the following special instructions, as an additional section:

Section —. Prior to any bachelor being entitled to avail himself of the exemption provided by this Act, he shall declare, on oath, before the Clerk of the District Court, that it is *bona fide* his intention to enter into the bonds of matrimony, or that he has used all his power and persuasion to consummate a matrimonial alliance, and has utterly and entirely failed so to do.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Lansing, and Price, and taken, with the following result: ayes, 13—noes, 17:

AYES—Messrs. Berry, Burch, Burton, Hamm, Kirkpatrick, Lansing, Merritt, O'Farrell, Parks, Phelps, Price, Thom, and Wheeler—13.

NOES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Dent, Dickinson, Garter, Gregory, Griffith, Holden, Ketcham, McDonald, Parker, Quinn, Redman, and Williams—17.

So the motion to recommit, with special instructions, was lost.

The question being on the passage of the bill, Mr. Dickinson moved the previous question.

Which was not seconded.

Mr. Burch moved to make the bill the special order of the day, for Wednesday, April third, at half past eleven o'clock, A. M.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Dickinson, and Burch, and taken with the following result: ayes, 12—noes, 18:

AYES—Messrs. Berry, Burch, Burton, Hamm, Lansing, Merritt, Pacheco, Parks, Phelps, Price, Thom, and Wheeler—12.

NOES—Messrs. Anderson, Allen, Baker, Bradley, Dent, Dickinson, Garter, Grant, Gregory, Griffith, Holden, Ketcham, McDonald, O'Farrell, Parker, Quinn, Redman, and Williams—18.

So the motion was lost.

The question recurring on the passage of the bill, the ayes and noes were demanded, by Messrs. Berry, Bradley, and Griffith, and taken, with the following result: ayes 18—noes, 13:

AYES—Messrs. Anderson, Allen, Baker, Bradley, Dent, Dickinson,

Gregory, Griffith, Holden, Ketcham, McDonald, O'Farrell, Pacheco, Parker, Quinn, Redman, Titus, and Williams—18.

Noes—Messrs. Berry, Burton, Garter, Grant, Hamm, Kirkpatrick, Lansing, Merritt, Parks, Phelps, Price, Thom, and Wheeler—13.

So the bill passed.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,
Sacramento, April 1, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, the following claims, which have been passed upon by the Board of Examiners, together with the papers and decision of the Board in each case, viz.:

Claim No. 130, of Daniel McLaren, for	$435 00
Claim No. 121, of Wm. H. Peterson, for	1,000 00
Total	$1,435 00

JOHN B. WELLER,
President Board of Examiners.

Communication, with accompanying papers, referred to Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 1, 1859.

MR. PRESIDENT:—The Assembly, on the twenty-ninth of March, passed Assembly bill No. 291, an Act to provide for fixing the commencement of the terms of office in the County of Butte;

Also, Assembly bill No. 294, an Act supplemental to an Act entitled an Act to provide revenue for the support of the Government, passed April twenty-ninth, one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 250, an Act to grant the right to improve the navigation of Petaluma Creek;

Also, on the thirty-first of March, Assembly bill No. 312, an Act to provide for the compensation of Keepers of the County-jails, in the Counties of Tehama and Colusa, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails;

Also, Assembly bill No. 313, an Act amendatory of, and supplementary to, an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved March sixth, one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 316, an Act to amend an Act concerning roads

and highways, in certain Counties therein named, approved April twenty-second, one thousand eight hundred and fifty-eight;

Also, concurred in Senate amendments to Assembly bill No. 205, an Act to authorize H. W. Bragg, guardian of the minor heirs of David Martin, and Anne Martin, deceased, to sell real estate of said minor heirs at public or private sale;

Also, concurred in Senate amendments to Assembly bill No. 178, an Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force;

Also, concurred in Senate amendments to Assembly bill No. 98, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of this State;

Also, concurred in Senate amendments, and further amended Assembly bill No. 267, an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and ask the concurrence of the Senate;

Also, concurred in Senate amendments to Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco.

C. GILMAN, Clerk.

Assembly bill No. 291, "An Act to provide for fixing the commencement of the terms of office in the County of Butte," read first and second times, and referred to the delegation from that District.

Assembly bill No. 294, "An Act supplemental to an Act entitled an Act to provide revenue for the support of the Government," read first and second times, and referred to Special Committee.

Assembly bill No. 250, "An Act to grant the right to improve the navigation of Petaluma Creek," read first and second times, and referred to the Committee on Internal Improvements.

Assembly bill No. 312, "An Act to provide for the compensation of Keepers of the County-jails, in the Counties of Tehama and Colusa, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails," which was read first and second times, and referred to the Senator from that District.

Assembly bill No. 316, "An Act to amend an Act concerning roads and highways, in certain Counties therein named, approved April twenty-second, one thousand eight hundred and fifty-eight," read first and second times, and referred to the Committee on Roads and Highways.

Assembly bill No. 267, "An Act to extend an Act concerning hogs found running at large, in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six," taken up, and the Assembly amendment to Senate amendment concurred in.

Assembly bill No. 313, "An Act amendatory of, and supplemental to, an Act entitled an Act to create a Board of Water Commissioners, in the County of San Bernardino, and define their duties, approved March sixth, one thousand eight hundred and fifty-seven," read first and second times, and referred to the delegation from that District.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—The Assembly, on the thirtieth of March, passed Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor," with amendments, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

APRIL 1, 1859.

Mr. Phelps asked and obtained leave of absence, for Messrs. Williams and Parker, for two days.

Mr. Berry asked and obtained indefinite leave of absence, for Mr. Burch.

Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor," taken up.

Mr. Baker offered the following amendment:

Amend second Assembly amendment, by adding thereto the words: "*And provided*, said bridge be not located within one mile of any lawfully-established bridge."

Pending, Mr. Holden moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Denver, Griffith, Gregory, Ketcham, Parker, and Wheeler.

Sergeant-at-Arms dispatched for absentees.

Mr. Denver appearing at the bar of the Senate, was admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The question being on the adoption of the amendment, the ayes and noes were demanded, by Messrs. Parks, Lansing, and Anderson, and taken, with the following result: ayes, 11—noes, 14:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Dent, Grant, Holden, Merritt, Pacheco, and Price—11.

NOES—Messrs. Berry, Burton, Dickinson, Denver, Garter, Hamm, Kirkpatrick, Lansing, McDonald, O'Farrell, Parks, Quinn, Redman and Titus—14.

So the motion to amend the Assembly amendment was lost.

The amendments of the Assembly were then concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—The Assembly, on yesterday, refused to recede from Assembly amendments to Senate bill No. 131, an Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive.

And have appointed as Committee of Conference on the part of the House, Messrs. Shepard, Street, and Phil. Moore; and ask the appointment of a similar Committee on the part of the Senate.

C. GILMAN, Clerk of Assembly.

Mr. Dent offered the following Concurrent-Resolution, which was adopted:

WHEREAS, It is highly important to the best interests of California, that all just means of increasing immigration hereto should be fostered and advanced by the General Government; *and, whereas*, the failure of the last Congress to pass the Atlantic and Pacific Railroad Bill has not only been received by the people of this State with deep regret, but with the liveliest apprehensions for their future welfare; *and, whereas*, the most vital interests of this State are now in a great degree dependent upon the great overland and ocean-steamship routes: Therefore, be it

Resolved, By the Senate, the Assembly concurring, that the Postmaster-General be, and is hereby, earnestly requested, if not incompatible with the interest of the Government, or the laws of Congress, to divide, or cause to be divided, between two separate and distinct routes, or lines, of Steamship Companies, any contract which may hereafter be made for the conveyance of the United States mails, from New York to San Francisco, *via* the Isthmus of Panama, or Nicaragua.

Resolved, That the Governor be, and he is hereby, requested to forward to the Hon. Joseph Holt, Postmaster-General of the United States, a copy of the foregoing resolution.

On motion of Mr. Burch, the rules were suspended, and Senate bill No. 237, "An Act amendatory of an Act entitled an Act concerning corporations," passed April twenty-second, one thousand eight hundred and fifty, was taken from the file, and made the special order of the day for Wednesday, April sixth, at twelve o'clock, M.

On motion of Mr. Burch, Senate bill No. 200, "An Act to provide for a more thorough distribution of the Laws of this State," was taken from file, and recommitted to the Judiciary Committee.

Mr. Burton gave notice that he would, on to-morrow, (Saturday,) move to amend the Twenty-seventh Standing Rule of the Senate.

The Chair here announced the Committee of Conference on part of the Senate, to act with the House Committee relative to Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive," consisting of the following: Messrs. Merritt, Burton, and Dent.

Mr. Merritt, by leave, introduced a bill for "An Act to amend an Act entitled an Act supplemental to, and amendatory of, an Act entitled an Act concerning conveyances, passed April twenty-seventh, one thousand eight hundred and fifty-five."

Which was read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Senate bill No. 161, "An Act relating to the possession of lands, the recording of conveyances, and the effect thereof," taken up.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. O'Farrell, Dent, and Burton, and taken, with the following result: ayes, 12—noes, 8:

AYES—Messrs. Anderson, Berry, Burch, Burton, Garter, Grant, McDonald, Merritt, O'Farrell, Parks, Phelps, and Quinn—12.

NOES—Messrs. Ballou, Bradley, Dent, Denver, Griffith, Hamm, Holden, and Price—8.

DECLINED—Mr. Pacheco.

So the bill passed.

Mr. O'Farrell gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Senate bill No. 212, an Act to provide for the better observance of the first day of the week, commonly called Sunday, taken up, considered in Committee of the Whole.

Pending which, Mr. Wheeler moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Baker, Merritt, and Denver, and taken, with the following result: ayes, 12—noes 14:

AYES—Messrs. Ballou, Bradley, Burch, Burton, Dent, Holden, Kirkpatrick, Parks, Price, Quinn, Thom, and Wheeler—12.

NOES—Messrs. Anderson, Allen, Baker, Berry, Dickinson, Denver, Garter, Griffith, Lansing, McDonald, Merritt, Phelps, Redman, and Titus—14.

So the motion to adjourn was lost.

Further consideration of the bill, in Committee of the Whole.

Pending which, Mr. Titus moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Burton, and Thom, and taken, with the following result: ayes, 13—noes, 14:

AYES—Messrs. Allen, Baker, Berry, Bradley, Burch, Burton, Dent, Garter, Holden, Parks, Quinn, Titus, and Wheeler—13.

NOES—Messrs. Ballou, Dickinson, Denver, Griffith, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Phelps, Price, Redman, and Thom—14.

So the Senate refused to adjourn.

Further consideration of bill in Committee of the Whole, and amended.

IN SENATE.

Reported back.

The question being on concurring in the amendments made in Committee of the Whole, the ayes and noes were demanded, by Messrs. Burch, Garter, and McDonald, and taken, with the following result: ayes, 13—noes, 16:

AYES—Messrs. Allen, Ballou, Berry, Bradley, Hamm, Lansing, Merritt, Parks, Price, Quinn, Redman, Thom, and Wheeler—13.

NOES—Messrs. Anderson, Baker, Burch, Burton, Dent, Dickinson, Denver, Garter, Holden, Ketcham, Kirpatrick, McDonald, O'Farrell, Pacheco, Phelps, and Titus—16.

So the amendments of Committee of the Whole were not concurred in.

Mr. Burch moved to strike out section second, and insert the following:

Section second—The provisions of this Act shall not apply to any person who uniformly refrained from the transaction of business on any other certain day of the week, from and after ten o'clock, A. M.; *Provided* that it shall not be lawful for any such person, or persons, to sell or expose for sale, any spirituous, vinous, or malt liquors, on the first day of the week, known as Sunday.

Mr. Griffith called for a division of the question, on striking out

Pending which, Mr. Gregory moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Griffith, O'Farrell, and Berry, and taken, with the following result: ayes, 21—noes, 10:

AYES—Messrs. Anderson, Allen, Baker, Berry, Bradley, Burton, Dent, Dickinson, Denver, Garter, Gregory, Holden, Kirkpatrick, Lansing, Pacheco, Parks, Phelps, Price, Quinn, Thom, and Wheeler—21.

NOES—Messrs. Ballou, Burch, Griffith, Hamm, Ketcham, McDonald, Merritt, O'Farrell, Redman, and Titus—10.

So the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

ATTEST: E. C. PALMER, Secretary of Senate.

IN SENATE.

SATURDAY, April 2, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

On motion of Mr. Quinn, leave of absence was granted to Mr. Lansing, for one day.

Journals of yesterday read and approved.

Mr. Dent presented a remonstrance from citizens of San Joaquin County, against the passage of the bill now before the Senate, for the organization of the new County of Mokelumne.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 241, "An Act to legalize a certain conveyance made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre, have had the same under consideration, report the bill back, and the majority recommend its passage—Mr. Gregory recommending that it be indefinitely postponed.

Assembly bill No. 289, "An Act to exempt the estate of Charles Evans, deceased, from the process of administration" have had the same under advisement, report the bill back, and the majority recommend its passage, amended. Mr. Gregory recommends that it do not pass.

Amend by adding the following:

Section one—*Provided, always*, that said William Evans shall pay off and discharge all debts due, or to become due, by and from said Charles Evans, deceased.

Senate bill No. 200, "An Act to provide for a more thorough distribution of the Laws of this State," have had the same under consideration, report the bill back, and the majority recommend its passage, amended. Mr. Gregory recommends that it do not pass.

Amend section one, line sixteen, by striking out the word "ten," and inserting the words "seven and one-half."

Amend section two, lines eleven and fourteen, by striking out the words "ten thousand," and inserting the words "seven thousand five hundred.

Senate bill No. 241, an Act to authorize the administratrix of Patrick N. Madigan, deceased, to sell real estate at private sale, have had the same under advisement, report the bill back, and recommend its passage, amended.

Amend by adding the following, as section four:

Section four—Said administratrix, prior to any sale made by authority of this Act, shall give bonds in double the approved value of said real estate, with two or more sureties, who shall severally justify, as in case of all other bonds given pursuant to statutes regulating the administration of the estates of deceased persons, conditioned that said administratrix shall faithfully account for all moneys arising from any such sales.

Senate bill No. 238, "An Act to authorize the administrator of Juan Antonio Vallejo, deceased, and others, to sell real estate of the intestate at private sale," have had the same under consideration, report the bill back, and recommend its passage, amended.

Amend by adding the following to section three: "The sureties on the bonds herein provided for, shall justify, as sureties upon all other bonds given pursuant to statute regulating the administration of the estates of deceased persons."

Senate bill No. 224, "An Act to amend an Act entitled an Act to provide for the binding minors as apprentices, clerks, and servants, approved April tenth, one thousand eight hundred and fifty-eight," have had the same under advisement, report the bill back, and the majority recommend its passage, amended. Mr. Anderson recommends that it do not pass.

Amend last line, first page, by inserting, after the word "into," the words "or out of;" also, strike out the repealing clause, and sectionize the bill, "sections one and two."

BURCH, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Merritt, Chairman of the Committee on Finance, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Senate bill No. 230, an Act to authorize the issuance of duplicates of certain lost State bonds," have had the same under consideration, and recommend its passage.

MERRITT, Chairman.

SENATE CHAMBER, April 2, 1859.

Report accepted, and, with bill, placed on file.

Mr. Grant, Chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT:—The Committee on Internal Improvements have had under consideration Assembly bill No. 250, an Act to grant the right to improve the navigation of Petaluma Creek, and report the same back to the Senate, with the recommendation that it pass, without amendment.

GILBERT A. GRANT, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined:

Senate bill No. 244, an Act to change the name of Julien Neuschwander;

Also, Senate bill No. 242, an Act to authorize the Common Council of the City of Los Angeles, to extend the City limits;

Also, Senate bill No. 179, an Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in Railroad Companies;

And find the same correctly enrolled.

BAKER, Chairman.

Report accepted.

President *pro tem.* in the Chair.

Mr. Phelps, Chairman of the Commmittee on Roads and Highways, made the following report:

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Assembly bill No. 316, an Act to amend an Act concerning roads and highways, in certain Counties therein named, approved April twenty-second, A. D. one thousand eight hundred and fifty-eight, have had the same under consideration, and report the bill back, with amendments, and recommend the adoption of the amendments, and the passage of the bill, as amended.

PHELPS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Gregory, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 159, entitled a bill for an Act providing for the disposition and reclamation of the swamp and overflowed lands donated to this State, by the United States, having considered the same, together with the accompanying petition, report it back, and a majority of the Committee recommend the indefinite postponement of the further consideration of the bill.

D. S. GREGORY, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Holden, of the Committee on Swamp and Overflowed Lands, made the following minority report:

MINORITY REPORT.

MR. PRESIDENT:—The undersigned, a minority of the Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. —, for an Act to provide for the location and reclamation of the swamp and overflowed lands of this State, begs leave to dissent from the report of the majority of said Committee, for the following reasons:

The main feature of the bill is, *to give* to any person (or more than one, if they may deem fit to give,) six hundred and forty acres of swamp land, if he or they will, within three years from the time he or they have the same surveyed, reclaim the same, and render it fit for cultivation. This involves the principle; the machinery might be amended, as prudence should dictate. By reference to the Act granting these lands to the State of Arkansas, it will be readily perceived that it was actually contemplated by the framers of that Act, and a clause inserted, so that there might be no doubt on the subject, the lands might be given to actual settlers, upon condition that they should reclaim them, or, in other words, take the lands in the same condition that the State takes them.

The following are the words to which I allude:

"*Provided*, that the proceeds of said lands, whether from sale or direct appropriation in kind, shall be applied exclusively, so far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid."

It will readily be perceived, I conclude, and admitted, by reference to the clause under the proviso, "or direct appropriation in kind," that the framers of the Act of Congress had in view the same idea as is sought to be carried out in the bill, both in reference to paying for the reclamation, and also the mode of reclaiming, by "levees and drains."

It is contended that if we give the lands that it costs but little to reclaim, for the reclamation, we will not have the means with which to reclaim those more difficult of reclamation. That is very true, but do we take the grant on condition that we reclaim *all* of the lands? If so, it may be questioned whether it is our best policy to accept the grant at all, for I apprehend that to reclaim all of these lands would cost more money than we can sell the lands for, under the best arrangement that could be devised. Then the law will not bear such a construction; we can not be required to do an impossibility. The General Government, in her contracts with her citizens, does not require them to perform impossibilities, neither will she require the State to do so.

I understand the inducement leading to the grant was, that the reclamation of the swamp lands, sending forth poisonous vapors and unhealthy miasmas, would induce a more ready sale of the Government lands adjoining the same. This object would be accomplished, to all intents and purposes, without reclaiming all of such lands. Therefore, it follows that the objection is not a good one, if the State is not compelled, under the grant, to reclaim all the land contained in the grant.

I hold that it is not a true and wise policy for this, or any other Government, to dispose of its domain to its own citizens on such hard terms as to render it difficult for the citizen to become an owner of the soil, and hence identified with the interests of his country; but that, on the contrary, a wise and judicious policy will make the terms easy and the burden light. The wealth of a State consists not in its domain, but in the wealth of its citizens; in their highly cultivated fields; in the willing hearts and strong arms of its citizens.

If you take from the immigrant his last dollar for a small farm, you

thereby cripple his energies, and render him unable to add to the wealth of the country, by developing its true resources.

No man can deny that it is the true policy of this State to leave the mineral lands open and free for all, because it is believed that that policy will procure the greatest amount of gold to be dug, and hence add to the wealth of the country. Why should not the same reasons hold good in relation to the swamp lands? The greater inducement you hold out to men to engage in agricultural pursuits, the more engage in the business, and the wealth of the State is not only increased by the improvement put upon the lands, but the yearly produce goes to swell the nation's wealth.

The policy of selling the public lands for the purpose of obtaining a revenue is not pursued by other nations. The promised land was divided among the children of Israel. All the Atlantic States, when British Colonies, were settled upon by gratuitous donations or nominal sales. Kentucky and Tennessee were chiefly settled in the same way.

The Republic of Colombia gives four hundred acres to a settler—other South American Republics give more or less.

In one thousand eight hundred and twenty-three, the King of Persia offered grants of land to immigrants, free from taxation, and guarantied the freedom of conscience.

These are some of the reasons that induce the undersigned to dissent from the report of the majority of the Committee. I have, therefore, amended the bill, and recommend the passage of the bill, as amended.

HOLDEN, of the Committee.

Report accepted.

On motion of Mr. Gregory, the usual number of copies of the minority report was ordered printed.

Mr. Gregory, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

Mr. President:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 163, entitled "An Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight, having had the same under consideration, report the same back, with amendments, and recommend its passage, as amended.

Amend the title by striking out the word "in," after the word "lands," and inserting the word "on."

Amend section one, line nineteen, by inserting the words, "or equitable;" also, strike out, in same line and the following, after the word "claim," "of any description to said land," and insert the words "than his own."

Amend section five, by striking out, in line three, all after "No. 10," and inserting as follows:

"In all cases where a contest for the certificate of purchase, or other evidence of title to the same tract of land, shall arise before the Register, when such contest is purely as to the survey, the Register shall determine the same according to the facts, and give his certificate therefor to the person whom he shall determine to be entitled thereto. Whenever, in the judgment of the Register, a question of law alone, or of law and fact, is involved in such contest, or when either party shall demand a trial of such questions in the Courts of the State, said Register shall enter such judgment, or demand, of either of the parties in the record of the proceedings had before him, together with a direction that the parties to

such contest are referred to the Courts of the State for a legal determination of said contest or conflicting claim. Either party to such contest may bring his action in the District Court of the County, in which the land in dispute is situate, to determine such conflicting claim, and the profert of a certified copy of said entry made by the Register (and upon service and return of process, as in other civil cases provided by law) shall give to said District Court full and complete jurisdiction to hear, try, and determine said conflicting claim. Upon filing, with the State Register, a certified copy of the final judgment or decision of said District Court, said State Register shall issue his certificate, or other evidence of title, in accordance with such decision. For services to be rendered by the Receiver, as prescribed by this Act, he shall be entitled to demand, and receive, as a fee, the sum of ten dollars, in each case, to be deposited equally, in advance, by the parties contesting; and on the filing, hearing, or termination of such contest, when finally determined by him, or on certifying the proceedings had by him, as aforesaid, it shall be lawful for him to assess equally, in whole or in part, the above sum to either of the parties contestant. And for such certificate of purchase, or patent, he shall be entitled to demand the sum of five dollars."

All of which is respectfully submitted.

GREGORY, Chairman.

Report accepted.

Mr. Pacheco, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT:—Your Committee on Agriculture, to whom was referred Assembly bill No. 268, for an Act concerning lawful fences, in the Counties of San Bernardino, Colusa, Tehama, Shasta, and Placer, have had the same under consideration, and report the same back, recommending its passage.

PACHECO, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burton, by leave, introduced a bill for an Act to authorize payment in full to be made for land purchased from the State of California, wholly, or partly, on credit.

Which was read first and second times, and referred to the Committee on Public Lands.

Mr. Gregory, of a Special Committee, made the following report:

MR. PRESIDENT:—Your Special Committee, to whom was referred Assembly bill No. 294, entitled "An Act supplemental to an Act entitled an Act to provide revenue for the support of the Government," passed April twenty-ninth, one thousand eight hundred and fifty-seven, having considered the same, herewith report it back, and recommend its passage.

D. S. GREGORY.

Report accepted, and, with bill, placed on file.

On motion of Mr. Gregory, the rules were suspended, and Assembly bill No. 294, an Act supplemental to an Act entitled an Act to provide for the support of the Government, passed April twenty-ninth, one thousand eight hundred and fifty-seven, was taken up, rules further suspended, bill read a third time, and passed.

Mr. Burton, pursuant to notice given on yesterday, moved to amend the

Twenty-Seventh Standing Rule of the Senate, by striking out the figures "one hundred and ten," and inserting the figures "ten."

Which was adopted.

Mr. Grant, of the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The Select Committee, composed of the delegation from the Counties of San Francisco and San Mateo, to whom was referred an Act to amend an Act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the City and County of San Francisco, passed April twenty-third, one thousand eight hundred and fifty-eight, have considered the same, and recommend its passage, by the Senate.

GRANT, for Committee.

Report accepted, and, with bill, placed on file.

Mr. Griffith, by leave, introduced a bill for an Act to empower M. G. Vallejo to convey certain real estate.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Wheeler, of a Special Committee, made the following report:

MR. PRESIDENT:—Your Special Committee, to whom was referred Senate bill No. 218, an Act providing for the payment of a judgment in favor of Trustem C. Gilman, against the County of Contra Costa, have had the same under consideration, and hereby report it back, with a substitute.

Your Committee find, upon investigation, that on the twenty-second day of March, A. D. one thousand eight hundred and fifty-six, the said Gilman recovered a judgment in the District Court of the Seventh Judicial District, against the County of Contra Costa, in the sum of twenty thousand four hundred and twenty-seven dollars; that said County appealed from said judgment, to the Supreme Court of this State, and that said judgment was, by said Supreme Court, in all respects affirmed; that said judgment still remains of record, unsatisfied and undischarged, and that no part thereof has ever been paid to said Gilman, or to any other person entitled thereto. From these facts, your Committee are satisfied, beyond all question, that said Gilman has a just and legal claim against said County, to the amount of said judgment, together with accruing interest and costs, and that the same ought to be paid. As the law now stands, the judgment-creditor (Gilman,) has no remedy or means whereby he can enforce the payment of his demand; and your Committee are wholly unable to discover any reason, founded either in law, equity, or good morals, why a County should be exempted from the payment of its just debts. The substitute herewith reported, makes ample provision, in the opinion of your Committee, for the gradual payment and final cancellation of said judgment, without working any injustice to the County or its inhabitants.

E. D. WHEELER,
S. H. PARKER,
R. A. REDMAN,
M. KIRKPATRICK.

APRIL 2, 1859.

Report accepted, and, with bill, placed on file.

SPECIAL ORDER OF THE DAY.

Senate bill No. 216, "An Act to enable the State of California to receive the benefit of the swamp and overflowed lands within her limits," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back—amendments of Committee concurred in, with exception of the amendment reducing the pay of Locating-Agents from ten to eight dollars per day.

The amendment reducing the *per diem* from ten to eight dollars, was then concurred in.

The question being on ordering the bill engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Holden, Bradley, and Baker, and taken, with the following result: ayes, 17—noes, 5:

AYES—Messrs. Anderson, Allen, Ballou, Bradley, Burton, Dickinson, Denver, Garter, Holden, Ketcham, Kirkpatrick, Merritt, O'Farrell, Phelps, Price, Quinn, and Titus—17.

NOES—Messrs. Berry, Dent, Griffith, Hamm, and Parks—5.

DECLINED—Mr. Thom.

So the bill was ordered engrossed, and read a third time.

Assembly bill No. 257, "An Act to create the County of Mokelumne, and to provide for its organization," read first and second times, and referred to the Committee on Counties and County Boundaries.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the thirtieth of March, passed Assembly bill No. 257, "An Act to create the County of Mokelumne."

C. GILMAN, Clerk.

APRIL 1, 1859.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 221, "An Act to audit and allow the claim of Adam Schuppert."

Also, Senate bill No. 203, "An Act to appropriate money to pay Charles Forman and Alfred H. Estill, for writing Senate Journals, Ninth Session.

C. GILMAN, Clerk.

APRIL 2, 1859.

MR. PRESIDENT:—The Assembly, on the twenty-fifth of March, one thousand eight hundred and fifty-nine, adopted, with amendments, substitute for Senate Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants, and ask the concurrence of the Senate.

Also, on the thirty-first of March, passed Assembly bill No. 304, an Act supplementary to, and amendatory of, an Act entitled an Act concerning roads and highways, in the County of Nevada, approved March second, one thousand eight hundred and fifty-nine.

Also, Assembly bill No. 311, an Act supplementary to, and amendatory

of, an Act entitled an Act to define the boundaries, and provide for the organization, of Mendocino County, approved March eleventh, one thousand eight hundred and fifty-nine.

Also, on yesterday, with amendments, Senate bill No. 147, an Act to compensate the Warden of the State-prison, and ask the concurrence of the Senate.

Also, with amendments, adopted Senate Concurrent-Resolution No. 33, requesting the Postmaster-General to divide any mail-contracts hereafter made, for the conveyance of United States mails, from New York to San Francisco, and ask the concurrence of the Senate.

Also, on this day, Assembly bill No. 318, an Act for the relief of Michael Fennel, substitute for Senate bill No. 207, an Act to audit and allow the claim of Michael Fennel.

C. GILMAN, Clerk.

APRIL 2, 1859.

Senate Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants, was taken up, and made the special order of the day for Thursday next, at twelve o'clock, M.

Assembly bill No. 304, an Act supplementary and explanatory of an Act entitled "An Act concerning roads and highways in the County of Nevada," read first and second times, and referred to the delegation from that District.

Assembly bill No. 311, an Act supplementary to, and amendatory of, an Act entitled "An Act to define the boundaries and provide for the organization of Mendocino County," approved March eleventh, one thousand eight hundred and fifty-nine, read first and second times, and referred to the Senator for that District.

Senate bill No. 147, an Act to compensate the Warden of the State-prison, taken up. The Senate refused to concur in the Assembly amendments.

Mr. McDonald, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 223, an Act to authorize the executors of the estate of Thomas O. Larkin, deceased, to sell and convey certain real estate, and find the same correctly enrolled.

McDONALD, of the Committee.

Report accepted.

Senate Concurrent-Resolution No. 33, requesting the Postmaster-General to divide any mail-contracts, hereafter made, for the conveyance of United States mails, from New York to San Francisco, reported from the Assembly, with amendments, was taken up, and the Senate refused to concur in Assembly amendments.

Assembly substitute for Senate bill No. 207, an Act for the relief of Michael Fennel, was taken up, and adopted, read first and second times, and, on motion of Mr. Griffith, the bill was amended, by striking out the words, in section first, "in the year one thousand eight hundred and fifty-six."

The bill was then read a third time, and passed.

FURTHER SPECIAL ORDER OF THE DAY.

Assembly bill No. 163, an Act amendatory of an Act entitled "An Act

to provide for the sale and reclamation of the swamp and overflowed lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight, taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Mr. Phelps, by leave, introduced a bill for an Act relating to the office of Sheriff, in the County of San Mateo.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Griffith offered the following resolution, which was adopted:

Resolved, That A. H. Halstead, Clerk of the Senate be, and he is hereby, allowed the sum of five dollars per day, for services rendered from the third day of January to the sixteenth day of February, one thousand eight hundred and fifty-nine, payable out of the Contingent Fund of the Senate, and the Controller of State is hereby authorized to draw his warrant for the same.

Mr. O'Farrell, by leave, introduced a bill for an Act fixing the terms of the County Court, Probate Court, and Court of Sessions, in Counties therein named.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Lansing presented certain newspaper accounts, which were referred to the Committee on Contingent Expenses.

Mr. Anderson moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Anderson, Baker, and Ballou, and taken, with the following result: ayes, 11—noes, 11:

Ayes—Messrs. Anderson, Berry, Hamm, Kirkpatrick, Lansing, McDonald, O'Farrell, Pacheco, Parks, Price, and Wheeler—11.

Noes—Messrs. Ballou, Bradley, Burton, Dent, Denver, Garter, Griffith, Holden, Phelps, Redman, and Titus—11.

It being a tie vote, the President voted in the negative.

So the Senate refused to adjourn.

GENERAL FILE.

Senate bill No. 212, "An Act to provide for the better observance of the first day of the week, commonly called Sunday," was taken up.

The question being on the adoption of the substitute offered by Mr. Burch, to the second section of the bill, the ayes and noes were demanded, by Messrs, Baker, Burch, and Berry, and taken, with the following result: ayes, 8—noes, 24:

Ayes—Messrs. Anderson, Baker, Dent, Kirkpatrick, McDonald, Pacheco, Titus, and Wheeler—8.

Noes—Messrs. Ballou, Berry, Bradley, Burton, Denver, Garter, Griffith, Hamm, Holden, Lansing, O'Farrell, Parks, Phelps, Price, and Redman—15.

So the Senate refused to adopt the substitute.

Mr. Bradley moved to strike out the word "liquors," in section three of the bill.

Upon which, the ayes and noes were demanded, by Messrs. Baker, Burton, and Berry, and taken, with the following result: ayes, 13—noes, 10:

AYES—Messrs. Ballou, Berry, Bradley, Griffith, Hamm, Kirkpatrick, Lansing, O'Farrell, Pacheco, Price, Redman, Thom, and Wheeler—13.

NOES—Messrs. Anderson, Baker, Burton, Dent, Denver, Garter, Holden, McDonald, Phelps, and Titus—10.

So the motion to strike out was adopted.

Mr. Ballou moved to indefinitely postpone the bill, with the whole subject-matter.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Ballou, and Baker, and taken, with the following result: ayes, 13—noes, 15:

AYES—Messrs. Allen, Ballou, Berry, Bradley, Burton, Griffith, Hamm, Holden, Lansing, O'Farrell, Price, Redman, and Thom—13.

NOES—Messrs. Anderson, Baker, Dent, Denver, Garter, McDonald, Pacheco, Phelps, Titus, and Wheeler—10.

So the motion to indefinitely postpone was adopted.

Mr. Griffith, by leave, introduced a bill for "An Act to provide for levying taxes, for County purposes, in Solano County, for the year one thousand eight hundred and fifty-nine."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Griffith, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to transmit, immediately, to the Assembly, the bill just passed.

Mr. Burton, of the Nevada delegation, by leave, made the following report:

MR. PRESIDENT:—The Nevada delegation, to whom was referred Assembly bill No. 304, report the same back, without amendment, and recommend its passage.

E. F. BURTON,
C. J. LANSING,

On motion of Mr. Burton, the rules were suspended, and Assembly bill No. 304, an Act supplementary to, and explanatory of, an Act entitled an Act concerning roads and highways, in the County of Nevada, approved March second, one thousand eight hundred and fifty-nine," was taken from file, read a third time, and passed.

Mr. Thom, by unanimous leave, moved to take from file Senate bill No. 241, "An Act to authorize the administrator of Patrick N. Madigan, deceased, to sell real estate at private sale."

Rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Thom, the Forty-fifth Standing Rule of the Senate

was suspended, and the Secretary directed to transmit the bill immediately to the Assembly.

Mr. Griffith moved to reconsider the vote by which the Senate indefinitely postponed Senate bill No. 212, "An Act to provide for the better observance of the first day of the week, commonly called Sunday."

On motion of Mr. Ballou, the motion of Mr. Griffith, to reconsider the vote by which the bill was indefinitely postponed, was indefinitely postponed.

Mr. Anderson moved that the Senate do now adjourn.

Lost.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—I am directed to inform the Senate, that the Assembly have, this day, concurred in Senate amendment to Assembly substitute for Senate bill No. 207, "An Act for the relief of Michael Fennel."

C. GILMAN, Clerk.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The House have, this day, receded from Assembly amendments to Senate Concurrent-Resolution No. 33, requesting the Postmaster-General to divide any mail-contract hereafter made, from New York to San Francisco.

C. GILMAN, Clerk.

ASSEMBLY CHAMBER, April 2, 1859.

Mr. Berry moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs Berry, Gregory, and Dickinson, and taken, with the following result: ayes, 22—noes, 7:

AYES—Messrs. Anderson, Allen, Baker, Berry, Bradley, Dent, Dickinson, Denver, Garter, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, O'Farrell, Parks, Price, Quinn, Redman, Thom, and Wheeler—22.

NOES—Messrs. Ballou, Burton, Gregory, Griffith, Pacheco, Phelps, and Titus—7.

So the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

MONDAY, April 4, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Mr. Anderson asked and obtained leave of absence, for Mr. Baker, for one day.

Mr. Pacheco asked and obtained leave of absence for Mr. Thom, for one day.

Journals of Saturday read and approved.

Mr. Ballou presented a petition from citizens of Sierra, Yuba, and Plumas Counties, praying for the organization of the new County of Alturas.

Mr. Ballou, by leave, introduced a bill for "An Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to the State for school purposes, by an Act of Congress passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sales thereof to the credit of the General School Fund."

Which was read first and second times, and referred to the Committee on Public Lands.

On motion of Mr. Wheeler, Senate bill No. 218, "An Act providing for the payment of a judgment in favor of Trustees C. Gilman, against the County of Contra Costa," was taken from the, and made the special order of the day for Thursday, April seventh, at twelve o'clock, M.

GENERAL FILE.

Senate bill No. 170, "An Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in Railroad Companies," was taken up, and, on motion of Mr. Phelps, made the special order of the day for this day, April fourth, at one o'clock, P. M.

REPORTS.

Mr. Merritt, Chairman of the Committee on Finance, made the following report:

Mr. President:—The Finance Committee, to whom was referred Senate bill No. 188, "An Act making appropriations for deficiencies in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, a twelve thousand eight hundred and fifty-nine," have had the same under consideration, and recommend its passage, with the following amendments:

For support of the State Insane Asylum, two thousand four hundred dollars.

For contingent expenses in the office of the Attorney-General, two hundred and thirty-five dollars.

For pay of Clerk in the office of the Attorney-General, five hundred dollars.

For costs of suit, where the State is a party, to be expended under the direction of the Attorney-General, two hundred dollars.

For contingent expenses in the office of Treasurer of State, six hundred dollars.

For contingent expenses of the Senate, three thousand dollars.

For contingent expenses of the Assembly, four thousand dollars.

For rewards for the arrests of escaped convicts, three thousand dollars.

Sec. 2. The sum herein appropriated, as a Contingent Fund of the Senate and Assembly, shall be disbursed under the direction of the body to which it may respectively belong, and shall not be subject to any of the provisions of "An Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the

Controller and Treasurer, approved April twenty-first, one thousand eight hundred and fifty-eight.

MERRITT,
Chairman of Finance Committee.

APRIL 4, 1859.

Report accepted, and bill placed on file.

On motion of Mr. Burton, the rules were suspended, and Senate bill No. 184, "An Act making appropriations for deficiencies in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Ballou asked and obtained leave of absence, for Mr. Hart, for one day.

GENERAL FILE RESUMED.

Assembly bill No. 113, "An Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco," taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Assembly bill No. 186, "An Act for the relief of purchasers of lands from the State of California," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Assembly bill No. 256, "An Act to define the boundary-line of Tuolumne County."

On motion of Mr. Quinn, the consideration of the bill in Committee of the Whole was dispensed with.

The amendments of the Committee were then adopted, rules suspended, bill read a third time, and passed.

Mr. Kirkpatrick, by unanimous leave, introduced a Concurrent-Resolution relative to asking Congress to donate to this State ten million acres of arable land in aid of a State Internal Improvement Fund.

Which was referred to the Committee on Internal Improvements.

Assembly bill No. 234, "An Act to change the time of holding the terms of the District Court, Court of Sessions, County Court, and Probate Courts, within the Second Judicial District," rules suspended, bill read a third time, and passed.

Senate bill No. 70, "An Act relating to the indigent sick," was, on the recommendation of the Committee, indefinitely postponed.

Certain proposed amendments to the Constitution of the State of California, were, on motion of Mr. Griffith, made the special order of the day for Friday, April eighth, at twelve o'clock, M.

Senate bill No. 154, an Act amending an Act entitled an Act to provide revenue for the support of the Government of this State, passed April twenty-ninth, one thousand eight hundred and fifty-seven, considered in Committee of the Whole.

Pending which, the following message was received from the Assembly:

Mr. President:—The Assembly, on April second, passed Senate bill No. 241, an Act to authorize the administratrix of Patrick N. Madigan, deceased, to sell real estate at private sale.

Also, with amendments, Senate bill No. 248, an Act to provide for levying taxes, for County purposes, in the County of Solano, for the year one thousand eight hundred and fifty-nine.

Also, Assembly bill No. 322, an Act to change the name of John Henry Kounse to that of John Lee Cambridge.

C. GILMAN, Clerk.

April 4, 1859.

Assembly bill No. 248, "An Act to provide for levying taxes, for County purposes, in the County of Solano, for the year one thousand eight hundred and fifty-nine," taken up, amendments of Assembly concurred in.

Assembly bill No. 322, "An Act to change the name of John Henry Kounse to that of John Lee Cambridge," was read first and second times, rules suspended, bill read a third time, and passed.

Mr. McDonald, of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, on the second instant, at three o'clock, P. M. presented to His Excellency, the Governor, for his approval, Senate bill No. 223, "An Act to authorize the executors of Thomas O. Larkin, deceased, to sell and convey certain real estate."

McDONALD, of Committee.

Report accepted.

Further consideration of Senate bill No. 154, "An Act to provide revenue for the support of the Government of this State, passed April twenty-ninth, one thousand eight hundred and fifty-seven," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 120, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed April fifteenth, one thousand eight hundred and fifty-four," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill considered engrossed, read a third time, and passed.

Senate bill No. 205, "An Act ceding jurisdiction to the United States over certain lands," read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 193, "An Act to repeal an Act entitled an Act to provide for the appointment of a Gauger, for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two," taken up.

Mr. McDonald rose to a point of order: "It is not in order for the Senate to Act on this bill, as a bill containing the same provisions was passed in the Senate and rejected in the Assembly, once before, this session."

The President decided the point of order not well taken, for this reason: "That the bill was introduced under a suspension of the rules, read twice, and placed on the general file, and that it is too late now to raise the point of order."

Mr. Parks moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Ballou, and Burton, and taken, with the following result: ayes, 15—noes, 9:

Ayes—Messrs. Bradley, Dent, Dickinson, Garter, Gregory, Griffith, Hamm, Kirkpatrick, Lansing, McDonald, O'Farrell, Parks, Price, Redman, and Titus—15.

Noes—Messrs. Anderson, Allen, Ballou, Berry, Burton, Holden, Phelps, Quinn, and Wheeler—9.

Declined—Mr. Pacheco.

So the bill was indefinitely postponed.

Mr. Wheeler, of a Special Committee, by leave, made the following report:

Mr. President:—Your Special Committee, to whom was referred Senate bill No. 210, "An Act to provide for settling the boundary-line between the Counties of Yuba and Butte," have had the same under consideration, report it back, and recommend its passage.

E. D. WHEELER, for Committee.

Report accepted, and, with bill, placed on file.

On motion of Mr. Wheeler, Senate bill No. 210, "An Act to provide for settling the boundary-line between the Counties of Yuba and Butte," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, considered engrossed, read a third time, and passed.

GENERAL FILE RESUMED.

Senate bill No. 167, "An Act concerning roads and highways, in the City and County of San Francisco," rules suspended, bill considered engrossed, read a third time, and passed.

REPORTS.

Mr. Hamm, Chairman of the Committee on State Hospitals, by leave, made the following report:

MR. PRESIDENT:—The Committee on State Hospitals, to whom was referred Senate bill No. 204, "An Act amendatory of an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, one thousand eight hundred and fifty-three, amended April sixteenth, one thousand eight hundred and fifty-eight," have had the same under consideration, and report it back to the Senate, and recommend its passage.

S. F. HAMM, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Ketcham, of the Calaveras and Amador delegation, by leave, made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 31, have had the same under consideration, and report the same back, and recommend its passage.

L. N. KETCHAM,
B. T. BRADLEY.

Report accepted, and, with bill, placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 3, 1859.

To the Senate of California:

I have to inform your honorable body that I approved, on Saturday, last, an Act to authorize the executors of Thomas O. Larkin, deceased, to sell and convey certain real estate.

JOHN B. WELLER.

On motion of Mr. Dent, Senate bill No. 204, an Act amendatory of an Act to amend an Act entitled "An Act to establish an Asylum for the Insane of the State of California," passed May seventeenth, one thousand eight hundred and fifty-three, amended April sixteenth, one thousand eight hundred and fifty-eight, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

REPORTS.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, (by leave,) made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom were referred certain accounts herein set forth, have examined the same, and recommend they be allowed for such amounts as are placed opposite thereto, to be paid out of the Contingent Fund.

C. J. LANSING, Chairman.

Geo. I. Lytle, newspapers, etc	$81 60
Wm. Dougherty, newspapers, etc	21 00
H. Hamilton, newspapers, etc	18 00
Amador Sentinel, newspapers, etc	15 00
Placer Herald, newspapers, etc	30 00
R. Shoemaker & Co., Nevada National	24 00

Report accepted.

On motion of Mr. Lansing, the rules were suspended, and the report taken up, and adopted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 248, an Act to provide for levying taxes, for County purposes, in the County of Solano, for the year one thousand eight hundred and fifty-nine, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Titus, of the El Dorado delegation, made the following report:

MR. PRESIDENT:—The El Dorado delegation, to whom was referred Assembly bill No. 264, an Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado, report the same back, with amendments to the twelfth section, and recommend the passage of the bill, as amended.

I. S. TITUS, for the Committee.

Report accepted, and, with bill, placed on file.

On motion of Mr. Titus, the rules were suspended, and Assembly bill No. 264, an Act to regulate the fees of certain officers, witnesses, and jurors, in the County of El Dorado, was taken up, rules further suspended, bill read a third time, and passed.

Mr. Allen moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Anderson, Berry, Garter, Grant, Kirkpatrick, Merritt, Pacheco, and Quinn.

Sergeant-at-Arms dispatched for absentees.

Messrs. Anderson, Pacheco, Quinn, Kirkpatrick, and Berry, appearing at the bar of the Senate, were, on motion of Mr. Dickinson, admitted.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

GENERAL FILE RESUMED.

Assembly bill No. 192, an Act to legalize the acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder, within this State, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Mr. O'Farrell, (by leave,) made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 311, an Act supplementary to, and amendatory of, an Act entitled "An Act to define the boundaries, and provide for the organization, of Mendocino County, approved March eleventh, one thousand eight hundred and fifty-nine, approve the same, and recommend its passage, without amendment.

O'FARRELL, Delegation.

Report accepted, and, with bill, placed on file.

On motion of Mr. O'Farrell, Assembly bill No. 311, "An Act supplementary to, and amendatory of, an Act entitled an Act to define the boundaries, and provide for the organization, of Mendocino County, approved March eleventh, one thousand eight hundred and fifty-nine," was taken up, considered in Committee of the Whole.

IN SENATE.

Reported back, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 179, "An Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in Railroad Companies"—

Mr. Phelps offered the following amendment, which was unanimously adopted:

Add, after the word "County," in the seventh line of section one, the following: "Not exceeding in amount five per cent. on the taxable property of any such County, as shown by the last preceding assessment-roll, and."

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Phelps, Berry, and Pacheco, and taken, with the following result: ayes, 13—noes, 10:

AYES—Messrs. Anderson, Allen, Dent, Dickinson, Gregory, Griffith, Holden, Ketcham, McDonald, Parks, Phelps, Redman, and Wheeler—13.

NOES—Messrs. Berry, Bradley, Burton, Denver, Garter, Hamm, Kirkpatrick, O'Farrell, Pacheco, and Quinn—10.

So the bill passed.

Mr. Gregory gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

On motion of Mr. Phelps, the title of the bill was amended, by striking out the words "and incorporated Cities."

President *pro tem.* in the Chair.

Senate bill No. 213, "An Act to endow the Medical Department of the University of the Pacific"—

The question being on ordering the bill engrossed, and read a third time—

Mr. Gregory moved to indefinitely postpone the bill, with the whole subject-matter.

Upon which, the ayes and noes were demanded, by Messrs. Gregory, Pacheco, and Lansing, and taken, with the following result: ayes, 15—noes, 8:

Ayes—Messrs. Allen, Ballou, Berry, Burton, Dent, Dickinson, Gregory, Holden, Kirkpatrick, Lansing, Pacheco, Parks, Redman, Titus, and Wheeler—15.

Noes—Messrs. Anderson, Bradley, Denver, Griffith, Hamm, McDonald, Price, and Quinn—8.

So the motion to indefinitely postpone prevailed.

Mr. Titus gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

FURTHER MESSAGE FROM THE ASSEMBLY.

Mr. President:—The Assembly, on April second, passed, with amendment, Senate bill No. 239, an Act in relation to trial-jurors in the Court of Sessions, and County Court, of certain Counties of this State.

Also, adopted Assembly Concurrent-Resolution No. 43, concerning contract between the State and James M. Estill, relative to the State-prison.

Also, on this day, adopted Assembly Concurrent-Resolution No. 44, relative to enacting clause in Assembly bill No. 237.

C. GILMAN, Clerk.

April 4, 1859.

Senate bill No. 239, "An Act in relation to trial-jurors, in the Courts of Sessions, and County Courts, of certain Counties in this State," was taken up, and amendments of Assembly concurred in.

Assembly Concurrent-Resolution No. 43, "Concerning contract between the State and James M. Estill, relative to the State-prison," was taken up, and adopted.

Assembly Concurrent-resolution No. 44, "Relative to enacting clause in Assembly bill No. 237," was taken up, and adopted.

GENERAL FILE RESUMED.

Senate Joint-Resolution No. 28, relative to the survey of the mineral lands in the State of California, was taken up, and made the special order of the day for Monday, April eleventh, at twelve o'clock, M.

President in the Chair.

Senate bill No. 186, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases"—considered in Committee of the Whole, and amended.

IN SENATE.

Reported back—amendment of Committee concurred in.

The question being on ordering the bill engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Price, Burton, and Anderson, and taken, with the following result: ayes, 10—noes, 14:

AYES—Messrs. Allen, Burton, Dent, Garter, Griffith, McDonald, Parks, Phelps, Titus, and Wheeler—10.

NOES—Messrs. Anderson, Baker, Ballou, Berry, Denver, Gregory, Hamm, Holden, Kirkpatrick, Lansing, Pacheco, Price, Quinn, and Redman—14.

So the Senate refused to order the bill engrossed, and read a third time.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate Concurrent-Resolution No. 33, requesting the Postmaster-General to divide any mail-contracts hereafter made for the conveyance of United States mails from New York to San Francisco.

Also, Senate bill No. 173, "An Act to appropriate money for the payment of certain claims."

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 4, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, the following claims, which have been passed upon by the Board of Examiners, together with the papers and decision of the Board, in each case, to wit:

Claim of Luther Laird & Co	$65 00
Claim of C. C. Breyfogle	68 85
Total	$128 85

JOHN B. WELLER,
President of the Board of Examiners.

Communication, with accompanying papers, referred to the Committee on Claims.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 4, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, the claim of B. F. Marshall, which has been passed upon by the Board of Examiners.

JOHN B. WELLER,
President of the Board of Examiners.

Message, with accompanying papers, referred to the Committee on Claims.

GENERAL FILE RESUMED.

Assembly bill No. 140, an Act in relation to mining co-partnership, was recommitted to the Judiciary Committee.

The report of the Committee on Contingent Expenses, relative to certain newspaper accounts, was taken up, and adopted.

Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named—

On motion of Mr. Phelps, the bill was made the special order of the day for Wednesday, April sixth, at eleven o'clock, A. M.

Senate bill No. 187, an Act to raise revenue for a Chinese Police Fund, and for other purposes, taken up, and made the special order of the day, for Thursday, April seventh, at one o'clock, P. M.

Senate bill No. 130, an Act fixing the salaries of certain State officers and employés, taken up, and returned to file.

On motion of Mr. Gregory, Senate bill No. 209, an Act to authorize the executors of the last will and testament of Peter Tracy, deceased, to sell certain school-land warrants of the deceased, at private sale, was taken from file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Gregory, section four was amended, by inserting after the word, "with," in the seventh line, the words "the provisions of an Act."

Mr. Denver moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Parks, Denver, and Quinn, and taken, with the following result: ayes, 17—noes, 8:

AYES—Messrs. Anderson, Baker, Burton, Dent, Dickinson, Denver, Garter, Gregory, Hamm, Holden, Kirkpatrick, McDonald, O'Farrell, Parks, Quinn, and Thom—17.

NOES—Messrs. Allen, Ballou, Berry, Griffith, Ketcham, Phelps, Redman, and Wheeler—8.

So the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

TUESDAY, April 5, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

The President here announced the Committee, on part of the Senate,

to receive proposals from James M. Estill, or his assigns, relative to the State-prison, consisting of Messrs. Dickinson, Burton, and Phelps.

Mr. Griffith presented a petition from citizens of Napa County, against the passage of the bill now before the Senate, relative to the construction of a dam and lock in Napa County.

Which was referred to the Committee on Commerce and Navigation.

On motion of Mr. Phelps, the vote by which Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named," was made the special order of the day for Wednesday, April sixth, at twelve o'clock, M., was reconsidered.

On motion of Mr. Thom, the rules were suspended, and the bill taken up.

On motion of Mr. Thom, the Senate refused to recede from their amendments.

On motion of Mr. Thom, a Committee of Free Conference was appointed, to take the bill under advisement.

The President here announced the Committee, on part of the Senate, in accordance with the above motion, consisting of Messrs. Thom, Kirkpatrick, and Phelps.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the fourth day of April, A. D. one thousand eight hundred and fifty-nine, at three o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 173, "An Act to appropriate money for the payment of certain claims."

Also, Senate bill No. 248, "An Act to provide for levying taxes, for County purposes, in the County of Solano, for the year one thousand eight hundred and fifty-nine."

BERRY, Chairman.

Report accepted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate bill No. 251, "An Act fixing the terms of the County Court, Probate Court, and Court of Sessions, in the Counties therein named."

Also, Senate bill No. 252, "An Act relating to the office of Sheriff, in the County of San Mateo."

Also, Senate bill No. 167, "An Act concerning roads and highways, in the City and County of San Francisco."

Also, Senate bill No. 216, "An Act to enable the State of California to receive the benefit of the swamp and overflowed lands within her limits."

Also, Senate bill No. 205, "An Act ceding jurisdiction to the United States, over certain lands."

Also, Senate bill No. 210, "An Act to provide for settling the boundary-line between the Counties of Yuba and Butte."

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Garter, of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 140, "An Act in relation to mining co-partnerships," have had the same under consideration, report the bill back, and recommend its passage, as amended.

Amend by adding the following, to section one:

"*And provided, further*, That all defences, and all matters of set-off, good in law and equity, may be pleaded, and the Court shall render such judgment as the case may require."

Senate bill No. 249, "An Act to empower M. G. Vallejo to convey certain real estate," have had the same under advisement, report the bill back, and recommend its passage, amended.

Amend by adding the following, to section one:

"*And provided, further*, That said M. G. Vallejo shall give bond, justified to in double the amount of the appraised value of the said property, to be approved by the Probate Judge of said County, before any such sale is approved."

Senate bill No. 246, "An Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest," have had the same under consideration, report the bill back, and the majority recommend its passage.

Senate bill No. 99, "An Act entitled an Act to legalize arrests made on the authority of information transmitted by telegraph—

Your Committee had the same under advisement, report the bill back, and the majority recommend its passage.

E. GARTER, Chairman *pro tem.*

Report accepted, and, with bills, placed on file.

Mr. Lansing, of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom was referred the report of the Sergeant-at-Arms of the Senate, of postage paid to members and officers of the Senate for the month of March, one thousand eight hundred and fifty-nine, have examined the same, and recommend it be approved.

C. J. LANSING, Chairman.

Report accepted, and placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—Your Committee on Public Expenditures have examined the accounts of the Secretary of the Senate, for copying done for the Printer, and into the Appendix to the Senate Journals, and beg leave to make the accompanying report of the number of folios copied, and the amounts allowed for the same.

C. E. THOM,
Chairman of Committee on Public Expenditures.

STATE OF CALIFORNIA, To E. C. PALMER, Sec. of the Senate, Dr.,

For copying 590 folios into the Appendix Book to the Senate Journal, at 15 cents per folio, being from pages 41 to 83, inclusive	$88 50
For copying 590 folios for Printer, at 10 cents per folio	59 90
Total	$148 40

Examined, audited, and allowed.

C. E. THOM, Chairman.

On motion of Mr. Thom, the rules were suspended, and the report taken up, and adopted.

Mr. Garter, of the delegation from the Thirteenth Senatorial District, made the following report:

MR. PRESIDENT:—The delegation from the Thirteenth District, to whom was referred Assembly bill No 312, an Act to provide for the compensation of Keepers of the County-jails, in the Counties of Tehama and Colusa, and to legalize all warrants heretofore issued for the payment of services of the Keepers of said Jails, has had the same under consideration, and reports the bill back, and recommends its passage.

E. GARTER, Delegation.

Report accepted, and, with bill, placed on file.

Mr. Thom, of Special Committee, made the following report:

MR. PRESIDENT:—Your Special Committee, to whom was referred Assembly bill No. 313, an Act amendatory of, and supplemental to, an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and define their duties, approved March sixth, one thousand eight hundred and fifty-seven, have had the same under consideration, and beg leave to report the bill back to the Senate, without amendment, and recommend its passage.

THOM, of Committee.

Report accepted, and, with bill, placed on file.

On motion of Mr. Thom, Assembly bill No. 313, an Act amendatory of, and supplementary to, an Act entitled an Act to create a Board of Water Commissioners, in the County of San Bernardino, and define their duties, approved March sixth, one thousand eight hundred and fifty-seven, was taken from file, rules further suspended, read a third time, and passed.

Mr. Dent, of a Special Committee, made the following report:

MR. PRESIDENT:—The undersigned, of the Special Committee appointed in the matter of Trustem C. Gilman, begs leave to submit this, his minority report:

On the thirteenth day of November, one thousand eight hundred and fifty-two, the Board of Supervisors of Contra Costa County entered upon their records an order approving and adopting a contract entered into by

them with T. C. Gilman, for the erection of a bridge over the north arm of San Antonio Creek.

For the purpose of this report it is unnecessary to cite the entire contract, but the attention of the Senate is solicited to the penal clause of the same, to wit: "And it is further covenanted and agreed by and between the respective parties hereunto, that should the said County, party of the first part, make default in any of the payments herein before agreed upon, or should the Treasurer of said County refuse to pay any warrants or order drawn in favor of said party of the second part, *the said Treasurer having in his hands any moneys belonging to said County*, the said party of the first part will pay to the said party of the second part a penalty of five per cent. per month on the amount so detained, *which amount shall be deemed an interest thereon.*"

The illegality of this covenant is too plain to require comment. By this agreement, all the funds of the County in the Treasurer's hands were absolutely and unconditionally made liable and diverted, in order to give a lien on the petitioner's contract.

It is sufficient to cite, on this point, the decisions of the Supreme Court which have arisen during the protracted litigations in this very case.

In Gilman *v.* County of Contra Costa, 8 Cal. Reports, page 53, the Court say:

"The revenues of the County, like those of the State, consist of various distinct funds, which are, by law, raised for, and devoted to, certain specific objects."

Again, in the case of Emeric *v.* Gilman, the Court say:

"When the judgment is rendered, it becomes the duty of the Supervisors to apply such funds in the treasury of the County as are not otherwise appropriated, to its payment," etc.

It is here submitted by the undersigned, that if, *after* the solemn decree of a Court by final judgment, it is only lawful to apply such funds to its satisfaction as are not otherwise appropriated, how much less is it competent for the Board of Supervisors to make a bare contract, pledging, in advance, the entire treasury of a County, whose funds are by law appropriated to separate and distinct objects?

Having thus clearly shown the illegality of the covenant which the Board of Supervisors agreed to execute, it only remains to say that the penalty which was to attach, on its non-performance, is absolutely void. They pledge the entire revenues of that County, already specifically appropriated by law, in execution of an agreement, that was in direct and palpable violation of the statutes. The petitioner, therefore, never had any rights under that contract, and *ex parte* legislation in his favor is simply legalizing, at the expense of the many, what was before unquestionably void and inoperative.

The Board of Supervisors of a County, (as has been repeatedly decided,) is a tribunal of special and limited powers and jurisdiction. All intendments or presumptions are adverse to the possession of any powers which are not derived directly from the Act of organization. But the Legislature has still further limited and curtailed their jurisdiction by the Act passed May third, one thousand eight hundred and fifty-two, entitled "An Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers."

The thirteenth section of this Act recites as follows: "The Board of Supervisors shall have no power to contract any debts or liabilities which, in the aggregate, shall exceed the estimated annual revenue of the County, for County purposes," and yet it must be recollected that the

contract with the petitioner was entered into by Supervisors elected under the provisions of this Act

In the present instance, we find the then existing Board of Supervisors for Contra Costa County attempted to burden their Treasury and pledge the proceeds to be derived from the taxable property within its limits, with a debt whose incident is a usurious interest that has now swelled the amount to more than *sixty thousand dollars!*

By the instrumentality of a printed catalogue of grievances, the petitioner has made a cheap display of moderation, only, be it said, because by judicial decisions his oft-plied executions have been lifted from the sanctity of a common and public treasury.

In answer to the objection that the petitioner has a vested right in his judgment, the undersigned would simply say, that legislation can not impair that right, but protests against the enactment of any law that will make the petitioner *a preferred creditor* in precedence of judgment, or acquire for him a *lien* on the treasury of Contra Costa, to which he was not entitled by the terms and under the provisions of his original contract.

It should be borne in mind that the petitioner received from the Auditor a warrant on the County Treasurer, dated eighth March, one thousand eight hundred and fifty-three, No. 216, for the sum of seven thousand six hundred and sixty-two dollars and fifty cents; that the said warrant was accepted by the petitioner, in full payment for the said contract, and which was on the same day presented to the County Treasurer, by the said Gilman, and that the Treasurer made the indorsement on it which the law required, to wit: "Not paid for want of funds" That the Legislature subsequently passed two Funding Acts—one in the year one thousand eight hundred and fifty-five, and the other in the year one thousand eight hundred and fifty six; that due notice of the time of meeting, as well as the object of the meeting, was published in a San Francisco paper, for the space of one month; that the Fund Commissioners were in session for two months and ten days, and that the petitioner did not present his warrant to be funded. That since the session of the Board of Fund Commissioners, repeated offers have been made by the Supervisors, to the petitioner, to pay the amount of the warrant, and legal interest, and which was as repeatedly refused by the petitioner.

In view of these facts, the County of Contra Costa having made ample provision for the payment of all her indebtedness, under the provisions of her Funding Acts, and the petitioner refusing to avail himself of the opportunity presented, it is contended that any action on the part of the Legislature, whereby the County would be compelled to liquidate this demand, to the prejudice of other creditors, would at once render all Funding Acts, of this or other Counties, null and void; but, actuated by a desire to settle this vexed question, and to liquidate this demand against the treasury of Contra Costa County, I respectfully submit, with the sanction of the Board of Supervisors of that County, a substitute to Senate bill No. 218, entitled "An Act providing for the payment of a judgment in favor of Trustem C. Gilman, against the County of Contra Costa," with the recommendation that the substitute be adopted.

Respectfully,

GEO W. DENT, of the Committee.

[illegible] made the special order of the day for April seventh, at twelve [illegible]

Mr. Grant, by leave, introduced a bill for an Act granting right of way for the Atlantic and Pacific Railroad and Telegraph, from San Francisco, California, to the eastern boundary-line of the State, and authorizing the State guaranty of interest on bonds issued by any company constructing the said railroad and telegraph.

Which was read first and second times, and referred to the Committee on Internal Improvements and the usual number of copies of the bill ordered printed.

Mr. Ballou, by leave, introduced a bill for an Act to repeal section four of an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two.

Which was read first and second times, and placed on file.

Mr. Titus, by leave, introduced a bill for an Act to appropriate money for the improvement of the mad-houses, and other improvements, of the State Insane Asylum.

Which was read first and second times, rules further suspended, bill considered engrossed, read third time, and passed.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly bill No. 250, an Act to grant the right to improve the navigation of Petaluma Creek, was taken from file, rules further suspended, bill read a third time, and passed.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined:

Senate bill No. 138, an Act authorizing Solon S. Simonds to construct a canal in Santa Clara County;

Also, Senate bill No. 221, an Act to audit and allow the claim of Adam Schuppert;

Also, Senate bill No. 203, an Act to appropriate money to Charles Forman, and Alfred H. Estill, for writing Senate Journals, Ninth Session;

Also, Senate bill No. 219, an Act to audit certain claims;

Also, Senate bill No. 239, an Act in relation to trial-jurors, in the Courts of Sessions, and County Courts, of certain Counties of this State;

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Titus, by leave, introduced a bill for an Act to establish a State Internal Improvement Fund.

Which was read first and second times, and referred to Commitee on Internal Improvements.

Mr. Merritt moved that the Committee on Corporations be instructed to report on Senate bill No. 101—an Act supplementary to an Act to provide for the formation of corporations, for certain purposes—on to-morrow, April sixth.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Allen, and Quinn, and taken, with the following result: ayes, 14—noes, 9:

AYES—Messrs. Allen, Berry, Denver, Griffith, Holden, Ketcham, Kirkpatrick, Merritt, O'Farrell, Pacheco, Parks, Price, Quinn, and Titus—14.

NOES—Messrs. Anderson, Baker, Dickinson, Garter, Gregory, Lansing, McDonald, Parker, and Williams—9.
DECLINED—Messrs. Ballou, Dent, Hamm, and Redman.

So the motion was adopted.
Mr. Berry offered the following resolution, which was adopted:

Resolved, That the Controller of State be, and he is hereby, required to draw his warrant on the Treasurer, in favor of E. W. Willett, for the sum of sixty-one dollars and fifty cents, payable out of the Contingent Fund of the Senate, to pay him for services as Clerk of the Special Committee of the Senate, appointed to visit the State-prison and examine all matters connected therewith.

GENERAL FILE.

Senate bill No. 216, "An Act to enable the State of California to receive the benefit of the swamp and overflowed lands within her limits"—
The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Holden, Berry, and Lansing, and taken, with the following result: ayes, 23—noes, 7:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Burton, Dickinson, Denver, Garter, Grant, Gregory, Hart, Holden, Kirkpatrick, McDonald, Merritt, O'Farrell, Parker, Phelps, Price, Quinn, Titus, and Williams—23.
NOES—Messrs. Berry, Dent, Hamm, Lansing, Pacheco, Parks, and Redman—7.

So the bill passed.
Mr. Titus, pursuant to notice given on yesterday, moved to reconsider the vote by which the Senate refused to pass Senate bill No. 213, "An Act to endow the Medical Department of the University of the Pacific."
Upon which, the ayes and noes were demanded, by Messrs. Bradley, Burton, and Lansing, and taken, with the following result: ayes, 15—noes, 16:

AYES—Messrs. Anderson, Baker, Bradley, Denver, Garter, Grant, Griffith, Hamm, McDonald, Merritt, Parker, Phelps, Quinn, Titus, and Williams—15.
NOES—Messrs. Allen, Ballou, Berry, Burton, Dent, Dickinson, Gregory, Holden, Kirkpatrick, Lansing, O'Farrell, Pacheco, Parks, Redman, Thorn, and Wheeler—16.

So the Senate refused to reconsider the vote by which the Senate indefinitely postponed the bill.

GENERAL FILE RESUMED.

Assembly bill No. 83, "An Act to amend an Act to establish Pilots, and Pilot regulations, for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight," taken up.
Mr. Holden moved to make the bill the special order of the day for Friday, April eighth, at twelve o'clock, M.
Which was lost.

The question being on the third reading of the bill—

Mr. Holden moved to make the bill the special order of the day for Thursday, April seventh, at twelve o'clock, M.

Upon which, the ayes and noes were demanded, by Messrs. Berry, O'Farrell, and Quinn, and taken, with the following result: ayes, 16—noes, 13:

AYES—Messrs. Anderson, Allen, Ballou, Bradley, Dent, Dickinson, Garter, Grant, Hamm, Holden, Kirkpatrick, O'Farrell, Parks, Quinn, Titus, and Wheeler—16.

NOES—Messrs. Baker, Berry, Burton, Denver, Griffith, Hart, Ketcham, Lansing, McDonald, Merritt, Phelps, Redman, and Thom—13.

So the bill was made the special order of the day for Thursday, April seventh, at twelve o'clock, M.

Assembly bill No. 213, "An Act concerning roads and highways, in Shasta County," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Substitute for Assembly bill No. 16, "An Act concerning roads and highways, in San Mateo County"—

On motion of Mr. Phelps, the consideration of the bill in Committee of the Whole was dispensed with.

The bill was then read a third time, and passed.

Senate bill No. 82, "An Act making certificates of purchase evidence of title"—

The report of the Committee of Conference taken up, and adopted.

Mr. Redman, by leave, introduced a bill for "An Act concerning roads and highways, in the County of Alameda."

Which was read first and second times, and referred to the delegation from that District.

MESSAGE FROM ASSEMBLY.

The following message was received from the Assembly:

Mr. PRESIDENT:—The Assembly, on the first day of April, passed Senate bill No. 240, an Act to repeal an Act relative to the creation of Pa-Utah County.

Also, on yesterday, Senate bill No. 214, an Act for the relief of James Gallagher.

Also, Senate bill No. 162, an Act regulating the salaries of certain County officers, in Sonoma County.

Also, Assembly bill No. 203, an Act to authorize the incorporation of Rural Cemetery Associations.

C. GILMAN, Clerk.

APRIL 5, 1859.

Assembly bill No. 203, "An Act to authorize the incorporation of Rural Cemetery Associations," read first and second times, and made the special order of the day, for Wednesday, April sixth, at twelve o'clock, M.

[illegible]

[illegible]

[illegible]

Keepers of the County-jails, in Shasta and Colusa Counties, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails," read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 184, "An Act making appropriations for deficiences in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D., one thousand eight hundred and fifty-nine," rules suspended, considered engrossed, read a third time, and passed.

Senate bill No. 181, "An Act to authorize the re-issue of certain lost school-land warrants," considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 235, "An Act to further define the duties of State-Printer," considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, considered engrossed, read a third time, and passed.

On motion of Mr Burton, the vote by which the bill was considered engrossed, and read a third time, and passed, was reconsidered.

The bill was then recommitted to Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill ordered engrossed, and read a third time.

Senate bill No. 229, "An Act for the relief of George W. Manchester, administrator of the estate of Thomas Manchester, deceased—"

On motion of Mr. Parker, the rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly bill No. 197, "An Act to provide for the better encouragement of the culture of the vine and the olive," read a third time, and passed."

Assembly bill No. 154, "An Act to authorize Charles B. Ryder to construct a wharf at Trinidad Bay, in Klamath County," read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. McDonald, Lansing, and Berry, and taken, with the following result: ayes, 16—noes, 4:

AYES—Messrs. Anderson, Allen, Berry, Bradley, Dent, Garter, Griffith, Hamm, Kirkpatrick, Lansing, Parks, Quinn, Redman, Thom, Titus, and Wheeler—16.

NOES—Messrs. Baker, Ballou, Burton, and Denver—4.

So the bill passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 5, 1859.

To the Senate of California:

I have to inform your honorable body that I have, on this day, approved "An Act to provide for levying taxes, for State and County purposes, in Solano County, for the year one thousand eight hundred and fifty-nine."

JOHN B. WELLER.

GENERAL FILE RESUMED.

Assembly Concurrent-Resolution No. 36, "Providing for the holding of a Railroad Convention of the States of California, and Oregon, and the Territory of Washington," taken up, amended, and adopted.

Mr. Allen moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Ballou, Bradley, Hart, Ketcham, and Merritt.

Sergeant-at-Arms dispatched for absentees.

On motion of Mr. Berry, further proceedings under the call were dispensed with.

Mr. Gregory, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 179, "An Act to authorize the Counties of the State of California to become stockholders in Railroad Companies."

Upon which, the ayes and noes were demanded, by Messrs. Burton, Berry, and Gregory, and taken, with the following result: ayes, 9—noes, 18:

AYES—Messrs. Berry, Burton, Denver, Garter, Gregory, Pacheco, Quinn, and Thom—8.

NOES—Messrs. Anderson, Allen, Baker, Bradley, Dent, Dickinson, Grant, Griffith, Holden, Ketcham, McDonald, Merritt, O'Farrell, Parks, Parker, Phelps, Redman, Titus, and Wheeler—18.

So the Senate refused to reconsider the vote by which the bill passed.

On motion of Mr. Parker, Senate bill No. 243, "An Act to amend an Act entitled an Act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the City and County of San Francisco," was taken from file, rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 112, "An Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, one thousand eight hundred and fifty-three," taken up, and returned to file.

Assembly bill No. 107, "An Act to fix the amount of the official bonds of the County officers, in and for the County of El Dorado, read a third time, and passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 154, "An Act amending an Act entitled an Act to provide

revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven."

Also, Senate bill No. 184, "An Act making appropriations for deficiencies in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine;"

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

GENERAL FILE RESUMED.

Senate bill No. 228, "An Act amendatory of, and supplementary to, an Act creating a State Land Office for the State of California, passed April tenth, one thousand eight hundred and fifty-eight," rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 190, "An Act amendatory of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty," taken up, and indefinitely postponed.

Senate bill No. 144, "An Act amendatory of an Act, approved April nineteenth, one thousand eight hundred and fifty-six, entitled an Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty," rules suspended, bill considered engrossed, and read a third time.

Pending which, Mr. Berry moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Hart, Grant, Denver, Dickinson, Griffith, Hamm, Pacheco, Parker, Titus, and Williams.

Mr. Griffith moved to dispense with all further proceedings under the call.

Which was lost.

Messrs. Grant and Williams appearing at the bar of the Senate, were admitted.

On motion of Mr. Griffith, further proceedings under the call were dispensed with.

Mr. Dickinson moved the previous question.

Which was not seconded.

Mr. Kirkpatrick moved to recommit the bill, with the following special instructions:

Amend section first by inserting, in the twelfth line thereof, after the word "weapon," the following: "with the evident intent to take life, in case resistance is made."

Upon which, the ayes and noes were demanded, by Messrs. Kirkpatrick, Burton, and Phelps, and taken, with the following result: ayes, 6—noes, 24:

Ayes—Messrs. Anderson, Denver, Garter, Kirkpatrick, Parker, and Titus—6.

Noes—Messrs. Allen, Baker, Ballou, Berry, Bradley, Burton, Dent, Dickinson, Gregory, Griffith, Hamm, Holden, Ketcham, Lansing, McDonald, O'Farrell, Pacheco, Parks, Phelps, Quinn, Redman, Thom, Wheeler, and Williams—24.

So the motion to recommit, with special instructions, was lost.

The question recurring on the passage of the bill, the ayes and noes were demanded, by Messrs. Berry, Dickinson, and Bradley, and taken, with the following result: ayes, 4—noes, 24:

Ayes—Messrs. Denver, Garter, Kirkpatrick, and Titus—4.

Noes—Messrs. Allen, Ballou, Berry, Bradley, Burton, Dent, Dickinson, Gregory, Griffith, Hamm, Holden, Ketcham, Lansing, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Redman, Thom, Wheeler, and Williams—24.

So the Senate refused to pass the bill.

On motion of Mr. Phelps, the Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, Senate bill No. 243, an Act to amend an Act entitled an Act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down water-pipes, in the public streets of the City and County of San Francisco.

Also, Assembly bill No. 184, "An Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund."

FURTHER REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

Mr. President:—The Committee on Enrolled Bills, to-day, at two o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 138, "An Act authoring Solon S. Simonds to construct a canal, in Santa Clara County."

Also, Senate bill No. 203, "An Act to appropriate money to pay Chas. Forman and Alfred H. Estill, for writing Senate Journals, Ninth Session."

Also, Senate bill No. 219, "An Act to audit certain claims."

Also, Senate bill No. 221, "An Act to audit and allow the claim of Adam Schuppert."

Also, Senate bill No. 239, "An Act in relation to trial-jurors, in the Court of Sessions and County Courts, of certain Counties of this State."

BERRY, Chairman.

Report accepted.

Mr. Merritt moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Denver, Griffith, and Merritt, and taken, with the following result: ayes, 21—noes, 10:

Ayes—Messrs. Anderson, Allen, Baker, Berry, Bradley, Burton, Dickinson, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, Merritt, O'Farrell, Pacheco, Parks, Parker, Quinn, Thom, Wheeler, and Williams—21.

Noes—Messrs. Ballou, Dent, Denver, Garter, Gregory, Griffith, McDonald, Phelps, Redman, and Titus—10.

So the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. Palmer, Secretary of Senate.

IN SENATE.

WEDNESDAY, April 6, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Burton, by leave, moved that the Secretary be directed to transmit, to the Assembly, all the papers and vouchers relative to Senate bill No. 208, an Act to appropriate money for the relief of certain persons.

Which was adopted.

Mr. Dent, by leave, offered the following resolution, which was adopted:

Resolved, That the Secretary of the Senate is hereby instructed to transmit, to His Excellency, the Governor, all the original vouchers pertaining to Senate bill No. 173, now before the Governor, for his approval.

PETITIONS.

Mr. Ketcham presented a petition from citizens of Amador and Calaveras Counties, relative to a free bridge across the Mokelumne River, between the Towns of Lancha Plana and Poverty Bar, in said Counties.

Which was laid on the table.

Mr. McDonald presented a remonstrance from citizens of Sacramento County, against the organization of the County of Mokelumne out of a portion of Sacramento and San Joaquin Counties.

Which was referred to the Committee on Counties and County Boundaries.

Mr. Grant presented a petition from citizens of San Francisco County, relative to accepting marked gross and tare weights, on many articles of merchandise, both imported and manufactured.

Which was referred to the Committee on Commerce and Navigation.

Mr. Merritt, Chairman of the Committee on Finance, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 58, an Act to provide for the licensing of auctioneers, and to define their duties and liabilities, have had the same under consideration, and return the same, with amendments, and recommend its passage, as amended.

MERRITT, Chairman.

SENATE CHAMBER, April 6, 1859.

Report accepted, and, with bill, placed on file.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined:

Senate bill No. 257, an Act to appropriate money for the improvement of the mad-houses, and other improvements, of the State Insane Asylum;

Also, Senate bill No. 120, an Act to amend an Act entitled an Act to

provide revenue for the support of the Government of this State, passed May fifteenth, one thousand eight hundred and fifty-four;

Also, Senate bill No. 204, an Act amendatory of an Act to amend an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May, one thousand eight hundred and fifty-three—amended April sixteenth, one thousand eight hundred and fifty-eight;

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:—The undersigned, members of the Committee on Corporations, acting under instructions of the Senate, passed April fifth, one thousand eight hundred and fifty-nine, have considered Senate bill No. 101, "An Act supplemental to an Act to provide for the formation of corporations, for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three," with our report upon the same.

We find this bill to be substantially the same as Senate bill No. 6, of the Ninth Session, of which the Committee on Corporations of that session, (four out of five of its members signing the report—see page one hundred and sixty-two, Senate Journals, Ninth Session,) say that they "are of opinion that the amendments proposed, in this bill, to the general corporation laws of this State, will confer upon persons, acting in a corporate body, powers superior and exclusive to any that the citizen can exercise, being no less than the power to take private property from the legitimate owner and possessor, for private purposes. We believe the bill is, in that respect, in conflict with that constitutional right which obtains, in all liberal and just Governments, and which forbids, *under any circumstances*, private property to be taken for other than public uses."

The undersigned consider the foregoing conclusions correct. We are aware that water-ditches, for mining purposes, are not to be dispensed with in the leading operations of the country; and so, indeed, are flouring and lumber-mills, hotels, and a variety of other occupations, necessary to the comforts of life. Yet, for the establisment and conducting of these latter objects, the State has never, that we are aware of, exercised its right of eminent domain. We are not aware of any instance in which this right is exercised over lands, or other objects, in which the State loses, subsequent to the seizure, all power and control over the same; but this bill provides a means of ceding the *fee-simple* estate of one citizen to another, without reservation, or limitation, of any nature whatever. This feature in the bill, we think, stamps it unmistakably as a private enterprise, and we can not see the propriety of favoring one class of citizens, although acting under a corporate name, over another class, whose ends and aims are equally necessary to the convenience of the public.

The foregoing, as well as other reasons not herein expressed, induce us to recommend the indefinite postponement of the bill.

JAMES ANDERSON,
W. B. DICKINSON,
R. PACHECO.

I respectfully dissent from the conclusions of the foregoing members of the Committee, and recommend the passage of the bill.

GEO. W. DENT.

Report accepted, and, with bill, placed on file.

Mr. Thom, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures, to whom was referred Senate bill No. 211, "An Act appropriating moneys for the benefit of certain Orphan Asylums, in this State," have had the same under advisement, and a majority of the Committee report the bill back to the Senate, with amendments, and, after the amendments are adopted, recommend that it pass—Mr. Berry recommends the indefinite postponement of the bill.

Amendments—In fourth line, first section, strike out "twelve," and insert "thirteen."

After the ninth line, insert, "and one thousand dollars of which shall be payable to the order of the Trustees of the Roman Catholic Orphan Asylum of Los Angeles."

Amend tenth line by striking out the word "twelve," and inserting "thirteen."

C. E. THOM,
Chairman Committee on Public Expenditures.

Report accepted, and, with bill, placed on file.

Mr. Parker, of the Committee on Public Morals, made the following minority report:

MR. PRESIDENT:—The undersigned, a minority of the Committee on Public Morals, to whom was referred Assembly bill No. 131, "An Act to prohibit gaming," was somewhat astonished by seeing, in an evening paper, a statement that the undersigned was the author of the report made by the Chairman of the Committee on Public Morals. Never having been consulted as to the report, or notified of any meeting by the Chairman, the undersigned thinks he had a right to be astonished that he was the unconscious author of a report that he was opposed to, from principle. As he has been openly opposed to said bill since its inception in the Assembly, he would recommend its indefinite postponement in the Senate, and would assign the following causes therefor:

First—Because said bill takes away the State-prison penalty, so effectual under the present law.

Second—Because the fees of District-Attorneys are so reduced, that indictments will not be so vigorously prosecuted as they now are.

The undersigned would report that, so far as he has been able to ascertain, the present law has succeeded in entirely suppressing that species of larceny which robs the miner and laborer upon his entry into the large cities, being seduced by drink or otherwise, to gambling-hells, to be robbed of their hard earnings. In short, all those establishments, in our large cities, which have induced clerks and employés to gambling their own money and that of their employers, have been entirely suppressed by the operation of the present law. For these reasons, the undersigned recommends the indefinite postponement of said bill.

S. H. PARKER,
Of the Committee on Public Morals.

Report accepted, and placed on file.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of J. C. and P. Gallagher, for moneys expended by Sisters of Mercy in burying the dead from San Francisco Hospital, from October fifteenth, A. D. one thousand eight hundred and fifty-five, to April twenty-eighth, one thousand eight hundred and fifty-seven.

And the claim of H. H. Ellis, for arresting two escaped convicts, in the year one thousand eight hundred and fifty-seven.

And the claim of D. McLaren, for services in Surveyor-General's office, in the year one thousand eight hundred and fifty-six.

Have had the same under consideration, and report the same back, recommending they be rejected.

E. GARTER, Chairman.

Report accepted, and placed on file.

Mr Griffith, by leave, presented a petition from citizens of Napa County, praying the Legislature to pass the bill now before the Senate, for the construction of a dam or lock in Napa Creek.

Which was referred to the Committee on Commerce and Navigation.

FURTHER REPORT FROM THE COMMITTEE ON CLAIMS.

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the Claim of William H. Peterson, for arresting a murderer named Anastacia Garcia, in the month of October, one thousand eight hundred and fifty-six.

And the claim of Thomas R. Eldredge, for translating into the French language, the Reports of the Treasurer and Controller of State, for the year one thousand eight hundred and fifty-six.

And the claim of Morpe and Lawson, for chickens furnished Insane Asylum, in the month of March, one thousand eight hundred and fifty-eight.

And the claim of J. Plotz, for buckle-keys, furnished Insane Asylum in the month of March, one thousand eight hundred and fifty-eight.

And the claim of J. Rothenbush & Brother, for lager beer furnished Insane Asylum, in the months of March and April, one thousand eight hundred and fifty-eight.

And the claim of A. Skogh, for hose furnished Insane Asylum, in the month of May, one thousand eight hundred and fifty-eight.

And the claim of William Bailey & Co. for manure furnished Insane Asylum, in the month of April, one thousand eight hundred and fifty-eight.

Have had the same under consideration, and report same back, with the accompanying bills, and recommend their passage.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the first of April, passed Assembly bill No. 265, an Act to define the head of navigation on the Mokelumne River.

Also, on the fourth of April, indefinitely postponed Senate bill No. 111, an Act amendatory of, and supplementary to, an Act entitled an Act to

extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers, in certain cases, and establish their salaries, approved April sixth, one thousand eight hundred and fifty-eight.

Also, on yesterday, indefinitely postponed Senate Concurrent-Resolution No. 31, relative to printing five thousand copies of the Report of the Transactions of the California State Agricultural Society.

Also, refused to recede from Assembly amendment to Senate bill No. 147, an Act to compensate the Warden of the State-prison, and appointed Messrs. Street, Whitman, and Condee, Committee of Conference.

Also, appointed Messrs. Whitman, Lightner, and Cahalan, the Committee, under Assembly Concurrent-Resolution No. 43, concerning contract between the State and James M. Estill, relative to the State-prison.

Also, passed Assembly bill No. 330, an Act to provide for condemning or purchasing certain lands adjoining the State-prison grounds, at San Quentin, for State-prison purposes.

C. GILMAN, Clerk.

APRIL 6, 1859.

Assembly bill No. 265, "An Act to define the head of navigation on the Mokelumne River," read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bill No. 147, "An Act to compensate the Warden of the State-prison"—the Senate refused to recede from their amendments.

On motion of Mr. Berry, a Committee of Free Conference was appointed, on part of the Senate, relative to the consideration of the above bill.

Assembly bill No. 330, "An Act to provide for condemning or purchasing certain lands adjoining the State-prison grounds, at San Quentin, for State-prison purposes," read first and second times, rules further suspended, bill read a third time, and passed.

Mr. Redman, by leave, introduced a bill for "An Act supplemental to an Act to apportion the Senatorial and Assembly Districts of this State," approved May eighteenth, one thousand eight hundred and fifty-three.

Which was read first and second times.

On motion of Mr. Redman, the bill was referred to a Select Committee of three.

The President here announced the Select Committee, in accordance with the above motion, consisting of Messrs. Redman, Phelps, and Gregory.

On motion of Mr. Thom, the rules were suspended, and the bill reported by the Committee on Claims, for "An Act to audit and allow certain claims," was taken from file.

Read first and second times, and laid on the table.

Mr. Burch gave notice that he would, on to-morrow, introduce a bill for "An Act for the relief of certain sureties of C. F. Lynn, Ex-County Treasurer of Trinity County."

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 6, 1859.

To the Senate of California:

I have to inform your honorable body that I have, this day, approved "An Act to audit and allow certain claims."

Also, "An Act to audit and allow the claim of Adam Schuppert."

Also, "An Act to appropriate money to pay Charles Forman and Alfred H. Estill, for writing Senate Journals of the Ninth Session.

Also, "An Act in relation to trial-jurors in the Court of Sessions, and County Courts, of certain Counties of this State."

JOHN B. WELLER.

On motion of Mr. Burton, Senate bill No. 246, "An Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison ground, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest," was taken from file.

Considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, with exception of the following amendment to the ninth section: "For any other purpose."

President *pro tem.* in the Chair.

The question being on concurring in the amendment to the ninth section, Mr. Griffith moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Ballou, Burch, Hart, Holden, Ketcham, Merritt, Pacheco, Parker, Quinn, and Williams.

Sergeant-at-Arms dispatched for absentees.

Messrs. Quinn and Ballou appearing at the bar of the Senate, were admitted.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The Chair here announced the Committee of Free Conference, on part of the Senate, on Senate bill No. 147, an Act to compensate the Warden of the State-prison, consisting of Messrs. Berry, Anderson, and Parker.

GENERAL FILE RESUMED.

Further consideration of Senate bill No. 246, an Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of the same.

The question recurring on concurring in the amendment to the ninth section, the ayes and noes were demanded, by Messrs. Griffith, Anderson, and Dickinson, and taken, with the following result: ayes, 16—noes, 11:

AYES—Messrs. Anderson, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Grant, McDonald, Merritt, Phelps, Quinn, Redman, Thom, and Titus—16.

AYES—Messrs. Allen, Berry, Gregory, Griffith, Hamm, Kirkpatrick, Lansing, O'Farrell, Parker, Price, and Wheeler—11.

So the Senate concurred in the amendment.

Mr. Gregory moved to strike out section ninth of the bill.

Lost.

On motion of Mr. Gregory, the ninth section was amended, after the word "trials," by inserting the words, "and appeals."

Mr. Gregory moved to strike out the words in the fifth section, "hereafter specified."

Upon which, the ayes and noes were demanded, by Messrs. Burch, Burton, and Parks.

Pending which, on motion of Mr. Burch, the special order of the day, Senate bill No. 237, an Act amendatory of an Act entitled "An Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty," was taken up, and made the special order of the day for Thursday, April seventh, at twelve o'clock, M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 6th, 1859.

To the Senate of the State of California:

I have to inform you that I, this day, approved an Act to appropriate money for the payment of certain claims.

It is proper to remark that the claim of John Gross & Co. is passed for fifty dollars more than that claimed or allowed by the Board of Examiners. There are some other mistakes, of a small amount, but I do not feel at liberty to delay the payment of these numerous claims in consequence thereof. If the members of the Board of Examiners are satisfied that these were clearly clerical errors, they can correct them in issuing certificates to the claimants.

JOHN B. WELLER.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,
Sacramento, April 6th, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim, which has been examined by the Board of Examiners, and rejected, together with the papers and decision of the Board:

Claim of D. J. Snyder, for six hundred dollars.

JOHN B. WELLER,
President Board of Examiners.

On motion of Mr. Burton, the communication, with the accompanying papers, was referred to the Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 6, 1859.

MR. PRESIDENT:—The Assembly, on the twenty-fifth of March, passed Assembly bill No. 223, an Act granting the consent of the Legislature to

the formation of a different Government for the southern Counties of this State;

Also, on the fourth of April, Assembly bill No. 293, an Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors and trial-jurors, in the City and County of San Francisco, approved April second, one thousand eight hundred and fifty-seven.

C. GILMAN, Clerk.

Assembly bill No 223, "An Act granting the consent of the Legislature to the formation of a different Government for the southern Counties of this State, read first and second times, and made the special order of the day, in Committee of the Whole, for Wednesday, April thirteenth, at twelve o'clock, M.

Assembly bill No. 293, "An Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors and trial-jurors, in the City and County of San Francisco, approved April second, one thousand eight hundred and fifty seven," read first and second times, and referred to the delegation from San Mateo and San Francisco Counties.

Mr. Griffith moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Price, and Burton, and taken, with the following result: ayes, 13—noes, 13:

AYES—Messrs. Allen, Burch, Gregory, Griffith, Hamm, Kirkpatrick, Merritt, O'Farrell, Parks, Parker, Price, Redman, and Wheeler—13.

NOES—Messrs. Anderson, Baker, Berry, Bradley, Burton, Dent, Dickinson, Denver, Garter, Grant, McDonald, Quinn, and Thom—13.

DECLINED—Mr. Phelps.

It being a tie vote, the President voted in the negative.

So the Senate refused to adjourn.

Mr. Redman, of the Santa Clara and Alameda delegation, by leave, made the following report:

MR. PRESIDENT:—The delegation from Santa Clara and Alameda, to whom was referred Senate bill No. 255, "An Act concerning roads and highways, in the County of Alameda," has had the same under consideration, and reports the same back, without amendment, and recommends its passage.

R. A. REDMAN.

Report accepted, and, with bill, placed on file.

FURTHER CONSIDERATION OF SENATE BILL NO. 246.

Mr. Gregory moved to strike out, in section six, fifth and sixth lines, the words, "And the value of the labor of the State-prison convicts used in constructing the same."

Pending which, Mr. Merritt moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Quinn, Berry, and Burton, and taken, with the following result: ayes, 13—noes, 14:

AYES—Messrs. Allen, Burch, Gregory, Griffith, Hamm, Kirkpatrick, Merritt, O'Farrell, Parks, Parker, Phelps, Price, and Wheeler—13.

NOES—Messrs. Anderson, Baker, Berry, Bradley, Burton, Dent, Dickinson, Denver, Garter, McDonald, Quinn, Redman, Thom, and Titus—14.

So the Senate refused to adjourn.

On motion of Mr. Merritt, the bill, with amendments pending, was made the special order of the day, for Tuesday, April seventh, at twelve o'clock, M.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,
Sacramento, April 6, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, the following claims, which have been passed upon by the Board of Examiners, together with the papers and decision of the Board in each case, viz.:

Claim No. 111, of H. H. Brown, for	$682 00
Claim No. 138, of John Nugent, for	214 32
Total	$896 32

JOHN B. WELLER,
President Board of Examiners.

Communication, with accompanying papers, referred to Committee on Claims.

Mr. Burch, by leave, introduced a Joint-Resolution, relative to instructing our Senators, and requesting our Representatives in Congress, to oppose the extension or renewal of the patent of the Morse electro-magnetic telegraph.

Read first and second times, and placed on file.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

FRIDAY, April 7, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Ballou asked and obtained leave of absence, for Mr. Hart, for two days, commencing on the sixth of April.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 229, an Act for the relief of George W. Manchester, administrator of the estate of Thomas Manchester, deceased.

Also, Senate bill No. 235, an Act to further define the duties of State-Printer.

Also, Senate bill No. 181, an Act to authorize the re-issue of certain lost school-land warrants.

Also Senate substitute for Assembly bill No. 108, an Act to provide for the compensation of the Keeper of the Jail, in the County of Shasta, and to legalize all warrants heretofore issued for the payment of the services of the Keeper of said Jail.

Also, Senate bill No. 209, an Act to authorize the executors of the last will and testament of Peter Tracy, deceased, to sell certain school-land warrants, at private sale.

Also, Senate bill No. 228, an Act amendatory of, and supplemental to, an Act entitled an Act creating the State Land Office, for the State of California, passed April tenth, one thousand eight hundred and fifty-eight.

And find the same correctly engrossed.

BAKER, Chairman.

Report accepted, and bill placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 201, "An Act to authorize the collection of certain taxes within this State," have had the same under consideration, and report the bill back, a majority recommend its passage—Mr. Gregory opposed.

Senate bill No. 247, "An Act to amend an Act entitled an Act supplementary to, and amendatory of, an Act entitled an Act concerning conveyances, passed April twenty-seven, one thousand eight hundred and fifty-five," have had the same under advisement, and report the bill back, and recommend its passage, amended—Mr. Merritt approves amendment:

Amend by striking out section one.

Senate bill No. 194, "An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons," have had the same under consideration, report the bill back, and recommend its passage as amended—Mr. Burch approves amendment.

Amend section first, line eighteenth, by striking out the words "one thousand," and insert "five hundred."

Senate bill No. 245, "An Act amending an Act to regulate proceedings in civil cases, in the Courts of Justice in this State," have had the same under consideration, report the bill back, and the majority recommend that the bill be indefinitely postponed—Burch and Anderson favor its passage.

Assembly bill No. 182, "An Act concerning certain acknowledgments of deeds, and other instruments in writing, affecting real estate," your Committee would report the same back without recommendation.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Grant, Chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT:—The Committee on Internal Improvements, to whom was referred Senate bill No. 258, "An Act to establish a State Internal Improvement Fund," have considered said bill, and report the same back to the Senate, without special recommendation.

They have also considered Senate Concurrent-Resolution, No. 34, "Asking Congress to donate to this State ten millions acres of arable land, in aid of a State Internal Improvement Fund," and recommend that the same pass.

GILBERT A. GRANT, Chairman.

Report accepted, and bill placed on file.

On motion of Mr. Kirkpatrick, the rules were suspended, and Senate bill No. 258, "An Act to establish a State Internal Improvement Fund;

Also, Senate Concurrent Resolution No. 34, asking Congress to donate to this State ten millions acres of arable land, in aid of a State Internal Improvement Fund;

Were ordered printed.

Mr. Phelps, of the San Francisco and San Mateo delegation, made the the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 293, "An Act to amend an Act entitled an Act to provide for the mode of drawing grand-jurors in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven," have had the same under consideration, and report the same back, with amendments, and recommend its passage, as amended.

PHELPS, for the Delegation.

Report accepted, and, with bill, placed on file.

On motion of Mr. Phelps, the rules were suspended, and Assembly bill No. 293, "An Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors and trial-jurors, in the City and County of San Francisco," passed April second, one thousand eight hundred and fifty-seven, was taken up.

Considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill read a third time, and passed.

Mr. Ballou, of a Special Committee, made the following report:

MR. PRESIDENT:—The Special Committee, composed of the delegation from the County of Butte, herewith report Assembly bill No. 291, an Act to provide for fixing the terms of office in the County of Butte, and recommend the passage of the same.

BALLOU, for the Delegation.

Report accepted, and, with bill, placed on file.

Mr. Grant, of a Select Committee, made the following report:

MR. PRESIDENT:—The Select Committee, to whom was referred Assembly bill No. 179, an Act to confer further powers upon the Board of Education, and Treasurer, of the City and County of San Francisco, have considered the same, and recommend its passage

GRANT, for Committee.

Report accepted, and, with bill, placed on file.

INTRODUCTION OF BILLS.

Mr. Parks, by leave, introduced a bill for "An Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

Which was read first and second times, and referred to the Senator from that district.

Mr. Thom, by leave, introduced a bill for "An Act for the relief of Hiram McLaughlin."

Which was read first and second times, and placed on file.

Mr. Phelps, by leave, introduced a bill for "An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty."

Which was read first and second times, and placed on file.

Mr. Griffith, by leave, introduced a bill for "An Act to authorize the Courts of Record of this State to admit E. G. Browne to practice as an Attorney and Counselor-at-Law."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. O'Farrell, by leave, introduced a bill for "An Act granting the privilege to James Ross to erect a wharf at Point San Quentin, in Marin County, and to collect wharfage."

Which was read first and second times, and referred to the Committee on Commerce and Navigation, with instructions to report on to-morrow, (Friday,) April eighth.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 38, an Act amending an Act to regulate proceedings in criminal cases.

Also, Senate bill No. 43, an Act amending an Act entitled an Act concerning jurors.

Also, Senate bill No. 47, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor.

Also, Senate bill No. 98, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice in this State.

Also, Senate bill No. 135, an Act to amend an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.

Also, Senate bill No. 140, an Act to amend an Act concerning crimes and punishments.

Also, Senate bill No. 158, an Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan, for irrigating, and other purposes.

Also, Senate bill No. 162, an Act regulating the salaries of certain County officers in Sonoma County.

Also, Senate bill No. 199, an Act for the settlement of the estate of Wm. Knight, deceased.

Also, Senate bill No. 214, an Act for the relief of James Gallagher.

Also, Senate bill No. 240, an Act to repeal an Act relative to the creation of Pa-Utah County.

Also, Senate bill No. 241, an Act to authorize the administratrix of Patrick N. Madigan, deceased, to sell real estate at private sale.

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Grant, by leave, introduced a bill for "An Act to provide for the payment of coupons for interest to be issued under the provisions of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six, approved April twentieth, one thousand eight hundred and fifty-eight."

Which was read first and second times, and referred to the delegation from the Fifth Senatorial District.

Mr. Bradley, by leave, introduced a bill for "An Act amendatory of an Act to fix the compensation of the County Judge of Calaveras County, and the District-Attorney of Calaveras County, approved March thirteenth, one thousand eight hundred and fifty-seven."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Holden, Senate Memorial No. 5, "Asking Congress to pass a law authorizing the construction of a Pacific Railroad; also, asking for a grant of land to aid in the construction of railroads in this State," was taken up, and the usual number of copies ordered printed.

On motion of Mr. Thom, the rules were suspended, and Senate bill No. 261, "An Act to audit and allow certain claims," was taken from the table, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Kirkpatrick presented a remonstrance from citizens of Sierra County, against the division of said County.

Which was referred to the Committee on Counties and County Boundaries.

On motion of Mr. Merritt, the rules were suspended, and Assembly bill No. 58, "An Act to provide for the licensing of auctioneers, and to define their duties and liabilities," was taken from the file, considered in Committee of the whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Mr. Bradley offered the following resolution :

Resolved, That the Committee on Contingent Expenses be instructed to audit the account of the Sergeant-at-Arms for arrests made under calls of the Senate, payable out of the Contingent Fund of the same, being certified to by the Secretary of the Senate.

Referred to the Committee on Contingent Expenses.

Mr. Lansing presented certain accounts.

Which were referred to the Committee on Contingent Expenses.

GENERAL FILE.

Senate bill No. 235, "An Act to further define the duties of State-Printer," read a third time, and passed.

Assembly bill No. 288, "An Act to amend an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine, considered in Committee of the Whole."

IN SENATE.

Reported back, read a third time, and passed.

Assembly bill No. 281, an Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka—

The question being on ordering the bill to be read a third time, the ayes and noes were demanded, by Messrs. Quinn, Gregory, and Baker.

Pending which, Mr. O'Farrell moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Anderson, Griffith, Kirkpatrick, Merritt, and Williams.

On motion of Mr. Burch, further proceedings under the call were dispensed with.

Mr. Ballou moved to recommit the bill, with the following instructions, which was lost:

Recommit, to the Committee on Roads and Highways, to "so modify the bill as to make it applicable to all the Counties of the State."

The question recurring on the motion to order the bill to a third reading, the ayes and noes having been demanded, the roll was called, and taken, with the following result: ayes, 22—noes, 9:

Ayes—Messrs. Allen, Berry, Bradley, Burch, Dickinson, Denver, Garter, Grant, Griffith, Hamm, Ketcham, McDonald, Merritt, O'Farrell, Pacheco, Parks, Phelps, Price, Redman, Thom, Titus, and Wheeler—22.

Noes—Messrs. Anderson, Baker, Ballou, Burton, Dent, Gregory, Holden, Lansing, and Quinn—9.

So the bill was ordered to be read a third time.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Gregory, Ballou, and Lansing, and taken, with the following result: ayes, 22—noes, 8:

AYES—Messrs. Allen, Berry, Bradley, Burch, Dickinson, Denver, Garter, Grant, Griffith, Hamm, Lansing, McDonald, Merritt, O'Farrell, Parks, Parker, Phelps, Price, Redman, Thom, Titus, and Wheeler—22.

NOES—Messrs. Anderson, Baker, Ballou, Burton, Dent, Gregory, Holden, and Quinn—8.

DECLINED—Messrs. Ketcham and Pacheco.

So the bill passed.

Mr. Lansing gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 7, 1859.

To the Senate of California:

I hereby inform your honorable body that I have, to-day, approved an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties of this State, approved April twenty-fifth, one thousand eight hundred and fifty-seven.

Also, an Act authorizing Solon S. Simonds to construct a canal in Santa Clara County.

JOHN B. WELLER.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the fifth of April, passed Assembly bill No. 306, an Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation.

Also, on yesterday, passed Senate substitute for Assembly bill No. 184, an Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund.

Also, Senate bill No. 210, an Act to provide for settling the boundary-line between the Counties of Yuba and Butte.

Also, Senate bill No. 253, an Act to fix the terms of the County Court, and Court of Sessions, of the County of El Dorado.

Also, Assembly bill No. 56, an Act concerning the organization of the militia.

Also, Assembly bill No. 71, an Act amendatory of, and supplementary to, the Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereto.

Also, Assembly bill No. 94, an Act concerning jurors in the County of Los Angeles.

Also, with amendments, Senate bill No. 156, an Act to authorize District Judges, in certain cases, to sign records, and settle settlements, and ask the concurrence of the Senate.

Also, adopted Senate amendments to Assembly bill No. 213, an Act concerning roads and highways in Shasta County.

Also, Senate amendments to Assembly bill No. 148, an Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one—passed May seventh, one thousand eight hundred and fifty-five.

Also, Senate amendments to Assembly bill No. 256, an Act to define the boundary-line of Tuolumne County.

Also, Senate amendments to substitute for Assembly Concurrent-Resolution No. 36, providing for the holding of a Railroad Convention of the States of California and Oregon, and the Territories of Washington and Arizona.

And have appointed Messrs. Ensworth, Hancock, and Caine, a Committee of Free Conference, on the part of the House, on the disagreeing vote of the two Houses, on Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named.

C. GILMAN, Clerk.

APRIL 7, 1859.

Assembly bill No. 305, "An Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 56, "An Act concerning the organization of the militia," read first and second times, and referred to the Committee on Military Affairs.

Assembly bill No. 71, "An Act amendatory of, and supplementary to, an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereto," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 94, "An Act concerning jurors in the County of Los Angeles," read first and second times, and referred to the Senator from that District.

Senate bill No. 156, "An Act to authorize District Judges, in certain cases, to sign records and settle statements," taken up, and Assembly amendments concurred in.

SPECIAL ORDER OF THE DAY.

Substitute for Senate Joint-Resolution No. 8, "Relative to fraudulent Mexican land grants—"

Mr. Berry moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Gregory, Wheeler, and Griffith, and taken, with the following result: ayes, 19—noes, 8:

AYES—Messrs. Anderson, Baker, Berry, Burton, Dickinson, Garter, Grant, Gregory, Hamm, Ketcham, McDonald, Pacheco, Parker, Phelps, Price, Quinn, Redman, Thom, and Wheeler—19.

Noes—Messrs. Ballou, Burch, Dent, Griffith, Lansing, Merritt, O'Farrell, and Parks—8.
Declined—Mr. Holden.

So the motion to lay on the table prevailed.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 187, "An Act to raise revenue for a Chinese Police Fund, and for other purposes," was taken up.
The question being on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs Redman, Berry, and Pacheco, and taken, with the following result: ayes, 19—noes, 12:

Ayes—Messrs. Berry, Burch, Dickinson, Denver, Grant, Gregory, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Redman and Wheeler—19.
Noes—Messrs. Allen, Baker, Ballou, Bradley, Burton, Dent, Garter, Griffith, Hamm, Merritt, Price, and Titus—12.

So the bill was indefinitely postponed.
Mr. Ketcham gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.
Mr. Ketcham, by unanimous leave, presented a petition from citizens of Amador County, relative to the bill for a Chinese Police Fund.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,
April 1, 1859.

Mr. President:—The Assembly, this day, passed Senate bill No. 243, an Act to amend an Act entitled an Act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down pipes in the public streets of the City and County of San Francisco, passed April twenty-third, one thousand eight hundred and fifty-eight.
C. GILMAN, Clerk.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, to-day, at half-past twelve o'clock, p. m. presented to His Excellency, the Governor, for his approval, Senate bill No. 38, "An Act to amend an Act to regulate proceedings in civil cases, passed May first, one thousand eight hundred and fifty-one."
Also, Senate bill No. 43, "An Act amending an Act entitled an Act concerning jurors," approved May third, one thousand eight hundred and fifty-two.
Also, Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor."
Also, Senate bill No. 98, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State."

Also, Senate bill No. 135, "An Act to amend an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento."

Also, Senate bill No. 140, "An Act to amend an Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty.

Also, Senate bill No. 158, "An Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan, for irrigating, and other purposes."

Also, Senate bill No. 162, "An Act regulating the salaries of certain County officers in Sonoma County."

Also, "Senate bill No. 199, "An Act for the settlement of the estate of William Knight, deceased."

Also, Senate bill No. 214, "An Act for the relief of James Gallagher."

Also, Senate bill No. 240, "An Act to repeal an Act relative to the creation of Pa-Utah County."

Also, Senate bill No. 241, "An Act to authorize the administratrix of Patrick N. Madigan, deceased, to sell real estate at private sale."

BERRY, Chairman,

Report accepted.

FURTHER SPECIAL ORDER OF THE DAY.

Senate bill No. 218, "An Act providing for the payment of a judgment in favor of Trustem C. Gilman, against the County of Contra Costa," considered in Committee of the Whole.

Pending which, on motion of Mr. Burton, Senate bill No. 246, "An Act to condemn, and appropriate to the use of the State of California, the interest of certain parties named, in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest," was taken up, and made the special order of the day for Friday, April eighth, one thousand eight hundred and fifty-nine.

Further consideration of Senate bill No. 218, "An Act providing for the payment of a judgment in favor of Trustem C. Gilman against the County of Contra Costa," in Committee of the Whole—

Pending, by unanimous leave, Mr. Gregory introduced a bill for "An Act supplemental to an Act concerning Sheriffs."

Which was read first and second times, and placed on file.

On motion of Mr. Gregory, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

ATTEST: E. C. PALMER, Secretary of Senate.

IN SENATE.

FRIDAY, April 8, 1859.

Senate met, pursuant to adjournment.

President in the chair.

Roll called.

Journal of yesterday read and approved.

Mr. Burton presented certain newspaper accounts, which were referred to the Committee on Contingent Expenses.

REPORTS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 243, "An Act to amend an Act entitled an Act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the City and County of San Francisco, passed April twenty-third, one thousand eight hundred and fifty-eight," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly bill No. 265, "An Act to define the head of navigation on the Mokelumne River," have had the same under consideration, and report it back, with the recommendation that it be indefinitely postponed.

McDONALD, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Griffith made a verbal report, recommending the passage of Assembly bill No. 251, an Act to amend an Act entitled an Act to amend an Act to change the time of holding the Court of Sessions, and County Court, of Napa County, approved April twentieth, one thousand eight hundred and fifty-eight.

On motion of Mr. Griffith, the rules were suspended, the bill taken up, read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 7, 1859.

MR PRESIDENT:—The Assembly, on April fourth, passed Assembly bill No. 305, an Act concerning roads and highways, in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou;

Also, on yesterday, Assembly bill No. 310, an Act to authorize the Board of Supervisors of the County of Mendocino, to levy an additional tax, for County purposes;

And Assembly bill No. 340, an Act to amend an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Insane Asylum, and State-prison.

C. GILMAN, Clerk.

GENERAL FILE.

Assembly bill No. 305, "An Act concerning roads and highways, in the

Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," read first and second times, and referred to delegation from that District.

Assembly bill No. 310, "An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax, for County purposes," read first and second times, and referred to the Senator from that District.

Assembly bill No. 340, "An Act to amend an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and State-prison," read first and second times, and referred to the Committee on Mileage, with instructions to report on to-morrow, Saturday, April ninth.

INTRODUCTION OF BILLS.

Mr. Griffith, by leave, introduced a bill for "An Act to authorize the Board of Supervisors of the County of Solano to take and subscribe —— thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

Which was read first and second times, and referred to the Senator from that District.

Mr. Griffith, by leave, introduced a bill for "An Act to authorize the Board of Supervisors of the County of Yolo to take and subscribe —— thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

Which was read first and second times, and referred to the Senator from that District.

Mr. Burch, by leave, introduced "An Act for the relief of F. W. Blake, Wm. B. Olmstead, H. W. Anderson, C. P. Rice, and the administrator of John Cole, deceased."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Wheeler, by leave, introduced a bill for "An Act to authorize the San Francisco and Marysville Railroad Company to construct and maintain a railroad bridge across Feather River, and for other purposes."

Which was read first and second times, and referred to the delegation from Yuba and Sutter Counties.

Mr. Berry gave notice that, on to-morrow, he would introduce a bill to authorize the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in this State."

On motion of Mr. Griffith, the rules were suspended, and Assembly bill No. 83, "An Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight," was taken from unfinished business, and made the special order of the day for Saturday, at eleven o'clock, A. M.

On motion of Mr. Thom, the rules were suspended, and Senate bill No. 264, "An Act for the relief of Hiram McLaughlin," was taken from file, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Holden, by leave, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 104, for an Act supplemental to, and amendatory of,

an Act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, approved April twenty-sixth, one thousand eight hundred and fifty-eight, have had the same under consideration, and I am instructed to report the same back to the Senate, and recommend its passage.

HOLDEN, Chairman.

Report accepted.

On motion of Mr. Holden, the bill, with report, was made the special order of the day for Tuesday, April twelfth, at twelve o'clock, M.

Mr. Ballou gave notice that he would introduce a resolution disapproving of the enactment of a Congressional Slave-code for Territories of the United States, and explanatory of our understanding of the manner and construction of the Kansas-Nebraska Act.

Mr. Parks, of the Sutter Delegation, made the following report:

MR. PRESIDENT:—The delegation from Sutter, to whom was referred Senate bill No. 263, "An Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same," have had the same under consideration, and report it back, and recommend its passage.

WM. H. PARKS.

Report accepted.

On motion of Mr. Parks, the rules were suspended, and Senate bill No. 263, an Act to authorize the Board of Supervisors of the County of Sutter, to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto, was taken up, rules further suspended, read a third time, and passed.

On motion of Mr. Lansing, the rules were suspended, and Senate bill No. 218, an Act providing for the payment of a judgment in favor of Trustem C. Gilman, against the County of Contra Costa, was taken from unfinished business, and made the special order of the day for Wednesday, April thirteenth, at twelve o'clock, M.

Mr. Lansing, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, passed Assembly bill No. 281, an Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, O'Farrell, and Gregory, and taken, with the following result: ayes, 7—noes, 22:

AYES—Messrs. Baker, Ballou, Burton, Gregory, Kirkpatrick, Lansing, and Quinn—7.

NOES—Messrs. Anderson, Allen, Berry, Bradley, Burch, Dent, Dickinson, Denver, Garter, Griffith, Hart, Hamm, McDonald, Merritt, O'Farrell, Parks, Parker, Phelps, Price, Thom, Titus, and Wheeler—22.

So the Senate refused to reconsider the vote by which the bill passed.

Mr. Bradley offered the following resolution:

Resolved, That from and after the twelfth day of April, no new bill shall be introduced into the Senate.

Mr. Griffith moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Gregory, and Burton, and taken, with the following result: ayes, 16—noes, 13:

Ayes—Messrs. Allen, Ballou, Burch, Dickinson, Denver, Garter, Gregory, Griffith, Hart, Hamm, Holden, Kirkpatrick, Lansing, Pacheco, Quinn, and Titus—16.

Noes—Messrs. Anderson, Baker, Berry, Bradley, Burton, Dent, McDonald, Parks, Parker, Phelps, Price, Thom, and Wheeler—13.

So the motion to lay on the table was adopted.

FURTHER MESSAGE FROM THE ASSEMBLY.

Mr. President:—The Assembly, on yesterday, adopted the report of the Committee of Free Conference, on Senate bill No. 82, an Act making certificates of purchase evidence of title.

C. GILMAN, Clerk.

April 8, 1859.

FURTHER MESSAGE FROM THE ASSEMBLY.

Assembly Chamber,
April 8, 1859.

Mr. President:—The Assembly, on yesterday, April seventh, passed Senate bill No. 171, an Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State.

Also, Assembly bill No. 290, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, one thousand eight hundred and fifty-one.

Also, Assembly bill No. 354, an Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization, approved March second, one thousand eight hundred and fifty-seven.

Also, Assembly bill No. 351, an Act to authorize the Board of Supervisors of San Joaquin County to audit and allow a certain claim.

Also, Assembly bill No. 352, an Act to fix the salary of the County Judge of Alameda County.

Also, Assembly bill No. 353, an Act providing for the election of a County Clerk, and County Recorder, of Alameda County, and to separate their offices.

Also, Senate bill No. 166, an Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State.

Also, Senate bill No. 143, an Act amendatory of an Act entitled an Act to regulate fees in office, in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven.

Also, Senate bill No. 181, an Act to authorize the re-issue of certain lost school-land warrants.

Also, Senate bill No. 183, an Act to provide for the payment of fees and costs in civil actions by and against Counties.

Also, Senate substitute for Assembly bill No. 108, an Act to provide for the compensation of the Keeper of the Jail, in the County of Shasta, and to legalize all warrants heretofore issued for the payment of the services of the Keeper of said Jail, with an amendment to the title, and ask the concurrence of the Senate.

Also, Senate bill No. 184, an Act making appropriations for deficiencies in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine, with an amendment, and ask the concurrence of the Senate.

Also, concurred in Senate Resolution No. 30, relative to commencing suit against S. A. McMeans, late State Treasurer, and sureties.

And indefinitely postponed Senate bill No. 163, an Act to authorize J. Granville Doll to convey water into the Town of Red Bluff, by means of pumps and pipes.

C. GILMAN, Clerk.

Assembly bill No. 290, "An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons," passed May first, one thousand eight hundred and fifty-one, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 354, "An Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization," approved March second, one thousand eight hundred and fifty-seven, read first and second times, and referred to the Senator from that District.

Assembly bill No. 351, "An Act to authorize the Board of Supervisors of San Joaquin County to audit and allow a certain claim, read first and second times, and referred to the Senator from that District.

Assembly bill No. 352, "An Act to fix the salary of the County Judge of Alameda County," read first and second times, and referred to the Senator from that District.

Assembly bill No. 353, "An Act providing for the election of County Clerk and County Recorder of Alameda County, and to separate their offices," read first and second times, and referred to the Senator from that District.

Senate substitute for Assembly bill No. 108, "An Act to provide for the compensation of the Keeper of the Jail, in the County of Shasta, and to legalize warrants heretofore issued for the payment of the services of the Keeper of said Jail"—amendments of Assembly concurred in.

Senate bill No. 184, "An Act making appropriations for deficiences in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine"—amendments of Assembly concurred in.

Mr. Dent offered the following Concurrent-Resolution, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly will meet in Joint-Convention in the Assembly Chamber, on Wednesday, April thirteenth, one thousand eight hundred and fifty-nine,

at one o'clock, P. M. for the purpose of electing three Trustees of the Insane Asylum, to fill vacancies."

On motion of Mr. Gregory, the rules were suspended, and Senate bill No. 238, "An Act to authorize the administrator of Juan Antonio Vallejo, deceased, to sell real estate of the intestate at private sale," was taken from file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Griffith, the rules were suspended, and Senate bill No. 249, "An Act to empower M. G. Vallejo to convey certain real estate," was taken from file.

Considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 8, 1859.

To the Senate of California:

I herewith inform your honorable body that I have, this day, approved "An Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty."

Also, "An Act to authorize the administratrix of Patrick N. Madigan, deceased, to sell real estate at private sale."

Also, "An Act for the relief of James Gallagher."

Also, "An Act to repeal an Act relative to the creation of Pa-Utah County."

Also, "An Act to amend an Act entitled an Act to regulate proceedings in criminal cases," passed May first, one thousand eight hundred and fifty-one.

Also, "An Act regulating the salaries of certain County officers in Sonoma County."

Also, "An Act amending an Act entitled an Act concerning jurors," approved May third, one thousand eight hundred and fifty-two.

Also, "An Act to amend an Act entitled an Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento."

JOHN B. WELLER.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 8, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim, which has been passed upon by the Board of Examiners, together with the papers and opinion of the Board, to wit, claim of John Center *vs.* the State.

JOHN B. WELLER,
President of the Board of Examiners.

Communication, with accompanying papers, referred to the Committee on Claims.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 8, 1859.

To the Senate of California:

I transmit, herewith, a report, received on yesterday, from the Adjutant-General, in regard to the late Indian War in the north-western part of the State. These troops were in the field some five and a half months, and during a season of the year when they were compelled to endure great hardships. They have rendered very valuable services to the State, and I trust it may be the pleasure of the Legislature to make provision at once for the payment of their just demands.

The compensation fixed by law is wholly inadequate for the services these patriotic men have rendered, and I therefore respectfully recommend an additional allowance. A just and liberal spirit on the part of the State will always secure volunteers when Indian disturbances occur.

The Adjutant-General having, with commendable patriotism, taken the field in person, contributed much towards the success of the expedition, as well as the economical manner in which it seems to have been conducted.

In compliance with a resolution adopted by the Military Committee of your honorable body, I transmitted to them, some weeks since, all the information then in this Department, touching this Indian War. To that communication I respectfully refer.

JOHN B. WELLER.

OFFICE QUARTERMASTER AND ADJUTANT-GENERAL,
State of California, Sacramento, April 7, 1859.

To His Excellency, John B. Weller, Governor State of California:

SIR:—I have the honor to transmit, herewith, a report of the Expedition against the Indians in the Northern section of the State, called into the field by your orders.

I am, Sir,
Your obedient servant,
WM. C. KIBBE,
Quartermaster and Adjutant-General,
State of California.

To His Excellency, John B. Weller, Governor State of California:

SIR:—I have the honor to report, that, in accordance with Special Order No. 2, issued on the twenty-eighth day of September, one thousand eight hundred and fifty-eight, I proceeded to Trinity County, and superintended the organization of a company of volunteers, by Brigadier General S. H. Dosh, at Big Bar, on the fourteenth day of October, one thousand eight hundred and fifty eight, with which, I immediately took the field in pursuit of hostile Indians.

On arrival at the scene of the then recent hostilities, I ascertained that the Indians implicated in depredating upon the whites, roamed over and occupied an extent of country of at least fifty miles square, through which an escape from one point to another could easily be made, without exposure, and that they had means of telegraphing from point to point, over this whole extent of country, the approach of the volunteers.

Deeming, therefore, that the force in service, (one company,) was too small to successfully invest a scope of country of this extent, on the seventeenth day of October, in accordance with your instructions, I addressed the following note to Capt. Ed. Underwood, U. S. Army, then commanding Post at Pardee's Ranch, near "Red Wood Creek," viz.:

"SIR:—I am instructed by His Excellency, Governor Weller, to solicit your co-operation with the company of State volunteers, commanded by Captain I. G. Messic, in chastising the Indians in this vicinity, who have depredated upon our citizens during the past few months, and in removing such as can be taken prisoners, to Humboldt Bay, preparatory to their removal to one of the Federal Reservations."

"It is not intended that there shall be any indiscriminate massacre of these Indians. Women and children are in no case to be killed by our troops; but it is deemed necessary, in order to accomplish the end desired, (*i. e.*, the removal of these hostile Indians to a Reservation,) that they shall be severely chastised; and as the number of troops called into service is small, I desire to know to what extent you are authorized to co-operate with us, to attain the objects named."

And received the following reply:

"SIR:—Your communicaton of this date has been received. I herewith have the honor to enclose a copy of my orders. I would cheerfully comply with your request, but my orders are explicit, and it only remains for me to obey them."

I also addressed two notes to Major Rains, commanding Fort Humboldt, one on the second of December, one thousand eight hundred and fifty-eight, and one on the sixteenth of March, one thousand eight hundred and fifty-nine, requiring information as to the number of Federal troops at his disposal, ready to take the field, in place of the State troops then in service, and received replies to the effect that there were none; which replies are herewith submitted, together with a copy of Capt. Underwood's orders. Finding, therefore, that no aid could be obtained from the Federal troops, and owing to the scattered condition of the hostile Indians, numbering some six hundred, notwithstanding the paucity of the number of the command, it became necessary to divide it into several detachments. Orders were given to conduct the campaign in the most humane manner possible, and your orders relative to the killing of women and children reiterated on the occasion of every attack.

Captain Messic, therefore, after establishing head-quarters at Thief Camp, commenced the campaign upon Mad River, at the Blue Slide, at which point a small body of the Indians were attacked on the twenty-third day of October, at which eight of the enemy were killed, and seven squaws and children taken prisoners. The remainder, numbering some twenty-five warriors, escaped.

On the return from the scene of battle, the Company were fired upon by the Indians from ambush, and one of the men, John Harpst, received a severe wound in the shoulder from a rifle-ball. We found that the Indians were well armed with rifles, and bows and arrows, and were occupying the most inaccessible points which could be found, rendering an approach by day entirely impracticable, without giving them an opportunity of escaping, and an approach by night extremely difficult, and dangerous to life and limb. But Captain Messic, being an old and experienced mountaineer and Indian hunter, supported by as brave a set of officers and men as could be found in any country, determined that these wily savages should be taught, at least, that their haunts of concealment could be found, and that no print of a foot upon the ground should go unobserved. The plan of moving upon and attacking their ranchos by night was the only one which promised much success, and although hazardous, was readily and cheerfully adopted by the officers and men, and pursued until every river, creek, and gulch, in this large section of country, was scouted over and cleared of Indians, for the time being. As fast as different sections of this country were rid of hostile Indians, a detachment was left at a selected point, with orders to scout continually, so as to cover and observe the return of the enemy to the sections cleared.

It may seem, and is, almost incredible, that a company of ninety men could clear a section of country of this extent—a country diversified by a series of lofty mountains, covered by almost perpetual snows—precipitous gorges, rugged cañons, dense forests, and thickets of underbrush, seemingly impenetrable to the white man, and in fact to the savages themselves, (except by their own secret passes,)—mountain streams, swollen by the incessant rains, to a torrent, over which they would cross for refuge when closely pursued, but over which it was extremely hazardous for us to follow with arms and munitions of war.

I say, then, that it is almost incredible that so small a force could surmount these almost impregnable barriers of defence to a wary enemy, and hold a complete surveillance over their every movement—but such is the fact. By the constancy and vigilance of the pursuit, these Indians were driven finally into a fastness in the "red-wood" mountains, where the foot of white man never trod before, and which, in all probability, would never have been discovered but for the unerring eye of our experienced mountaineers, some of whom could readily descry the imprint of an Indian foot upon the leaves lying upon the ground. This place had doubtless been previously selected and prepared as a final rendezvous in case of an emergency. Here they had built thirty commodious "red-wood" houses, where they had stored large quantities of provisions and ammunition; and here they had evidently determined to make a stand, and fight us, if by any means their retreat should be discovered. And when this place of their concealment was discovered and attacked, on the twenty-first, twenty-second, and twenty-third days of January, by detachments under command of Capt. Messic, Lieut. Winslett, and private McNeill, they did fight with determined bravery—in which attacks, five of our men, viz., Houk, Work, Overlander, McCafferty, and Gunn, received severe, but not mortal, gun-shot wounds, and from thirty-five to forty

warriors were killed, and fifteen squaws and children taken prisoners, and from eight to ten thousand pounds of their provisions destroyed. As an instance of the intrepid bravery of this tribe of Indians, after the havoc made in their ranks in the engagements above cited, they followed one detachment who were taking their wounded and prisoners from the field of battle, for a distance of twelve miles, occasionally firing upon them from ambuscade, and finally succeeded in severely wounding one of our men, and only ceased their pursuit when night overtook them; and so well was it conducted, that their proximity to the command was only indicated by the report of their guns, and their place of concealment by the smoke of the discharge, taking care, on the occasion of each approach, to be able to make good their escape.

To advert to all the different skirmishes and scouts which took place, would occupy too much space for my present purpose, although justice to the gallant volunteers might seem to demand that this data should be given. Suffice it to say, that the enemy were routed from every position, whether taken to elude their pursuers or for the purpose of defence, and were finally compelled unconditionally to surrender.

Out of the number first above named, from seventy-five to one hundred have been killed, a large number wounded, and three hundred and fifty taken prisoners.

I am gratified to inform your Excellency, and the people of the State, that the indentical tribes known to have been implicated in depredating upon, and to whose savage ferocity and implacable hatred of the white race, more than thirty of our citizens, while pursuing their legitimate avocations, have fallen victims during the past four years, have been thus disposed of—that a permanent peace has been conquered, and confidence restored to the inhabitants of this hitherto infested district—a peace not *secured by a worthless treaty, nor founded upon faithless stipulations entered into by Indians*,—but by the entire removal of the depredators from the scenes of their aggressions, to a Federal Reservation.

The campaign, then, has been successful, not only in so far as the results are herein detailed, but in regard to the influences it has exerted upon the various tribes of Indians living contiguous to the scenes of this war, and in fact in the whole northern section of the State. It has taught them many valuable lessons, from which it is to be hoped they will profit in their intercourse with the whites hereafter; it has taught them our power, for that a small body of men, with the unerring rifle, have easily driven them in large numbers from their fastnesses and strong holds, with great havoc; it has taught them our indefatigable energy and perseverance, for that we permitted no storms of rain or snow to deter us from a vigorous pursuit after them; it has taught them our vigilance in dealing out punishment for injuries done our citizens, for that by day we were scattered over the hills and ravines, to watch their every movement, and by night we were ready to start upon their secluded ranchos, and take their inmates prisoners; it has taught them a lesson of humanity and magnanimity, such as they never expected would be extended toward them, for in all cases where we had the advantage in an engagement, and could prevent their escape, they have been taken prisoners, fed, and kindly treated, and in no case have their women and children been killed, or separated.

It has taught them, finally, that it is useless for them to contend with, or attempt to elude the search of, the whites—and it is greatly to be hoped that these lessons will insure a continued peace with the tribes living in the immediate vicinity of the late disturbances.

Let me pause, here, to perform a most pleasing duty: that of awarding merit where it is justly and properly due. Let me assure you that the success of this campaign attaches and belongs to those self-sacrificing men, who left their occupations, and volunteered, in this emergency, (as they will do on every fit occasion,) their patriotic services, regardless of pecuniary sacrifices, or personal exposure or hardships. To these patriotic citizens belong the credit for the great success which the expedition has met with: these men, who one and all, were ready at all times, and under all circumstances, to face any danger, encounter any hardships, buffet any storms, and submit to any exposure which the success of the expedition seemed to require, with cheerfulness, and as a matter of chosen duty. To these noble men, I say, the people of this State owe a debt of gratitude which they can scarcely repay—men, too, who resided generally, without the infested district—who rallied, not to protect their immediate neighbors, but to respond to a call from the Governor of the State, and to obey the behests of a patriotic spirit, and do a service for their country.

This company of men, then, with Captain Messic at their head—than whom, I hesitate not to say, a better man could not have been selected, nor one with more experience, more knowledge of the Indian character, more zealous for success, more energetic in pursuit, or brave in action—are entitled to the credit of this expedition. Lieutenants Winslett, Prosser, and Bush, as the other officers of the company, have given their zealous co-operation, and done severe and efficient duty. The two former having, during a greater portion of the campaign, had the entire responsibility of the command of large detachments of the company, at important points. Where all have done so well, it seems almost unfair to discriminate between officers and men, for none did better service in the field than a detachment under private McNeill, and none are entitled to more credit.

Let these services, then, be but appreciated, and rewarded, and the State of California will have done a just and generous act: one which will give her people confidence, not only in her ability to quell Indian disturbances, but to put down insurrections, repel invasions, or furnish forth the best troops the Union knows, for any great National or State emergency.

The expenses of the expedition will be found to be very moderate, and, compared with similar expeditions called out upon this coast, extremely low. Every article of supplies purchased, however, was bought with the understanding that the bills would be paid by the State, and the debt assumed by the present Legislature. The expenses amount as follows, viz.:

For Commissary and Subsistence Stores	$10,557 31
For Quartermaster's Stores	2,263 98
For Ordnance Stores	695 55
For Medical Stores	1,223 43
For Transportation	7,429 55
For Hospital Stores	130 37
For Artificing	767 67
For Clothing and Articles stopped from Men	*9,072 07
For Miscellaneous	267 00
Total cost of Supplies	$32,406 93

* If an appropriation for pay and allowances to the men is made, in strict conformity to law, there will be a deficit of amount of excess of clothing charged, above the amount of such pay and allowances, which should be supplied by an increase of appropriation.

Being the expenses for subsisting ninety-two men five and a half months, and supplying them with the various stores charged for that length of time, besides subsisting one hundred Indian prisoners for at least three months. The amount for clothing is stopped against the men, and deducted from their pay and allowances. The subsistence of the command cost less than forty cents per day. In Quartermaster's stores are included everything required by the expedition, such as cooking-utensils, tents, and other camp-equipage. The cooking-utensils purchased were mostly expended in the service; those remaining, which are serviceable, together with the camp-equipage generally, have been retained for future use. As no inventory of the Quartermaster's stores unexpended has as yet been received from the Captain of Company, no correct estimate of their value can at present be given. A large proportion of the medical supplies purchased, together with all the medical instruments, are still on hand. The aggregate amount of pay and allowances, allowed by law for the entire command, is nine thousand five hundred dollars. Cost of clothing purchased and used by the command, which is stopped against the pay and allowance of the men, is nine thousand and seventy-two dollars and seven cents, which amount, deducted from the cost of supplies and pay of the command, will leave the sum of thirty-two thousand eight hundred and thirty-four dollars and eighty-six cents, ($32,834 86,) as the total amount of indebtedness incurred by the expedition, to be assumed by the State.

The additional amount of fifteen hundred dollars should be appropriated for the care and subsistence of the wounded men (numbering three,) now in charge of Dr. W. G. Hatch, Surgeon of the command, at Uniontown, Humboldt Bay.

In accordance with the agreement made by Col. Henly, Superintendent of Indian Affairs, "to ship all the Indian prisoners taken by the expedition, to a distant reservation," I shipped the first lot of prisoners taken, on the bark Fanny Major, on the twenty-third day of January, and drew on Col. Henly for the amount of charter-money, which draft was duly accepted by him.

The prisoners subsequently captured—one hundred and sixty-one in number—were shipped with the same party, on the sixteenth day of March, ultimo, and a draft drawn by me on Col. Henly for fifteen hundred and thirty dollars, the acceptance of which draft has been refused. This amount is justly due, and should be paid.

I beg leave to call your Excellency's attention to the fact, as will be seen above, that the bills of clothing issued to, and stopped against the men, amounted to as much as their entire pay and allowances, as allowed by law, and will here state, that the clothing purchased was needed by the men, and actually worn out in the service. I would, therefore, most earnestly recommend, as an act of justice, that an appropriation for an increased amount of pay should be made for those engaged in the campaign.

It gives me pleasure to state, that Dr. Hatch, Surgeon to the expedition, has, while attending to the wounded and sick of the command, evinced a laudable interest in their welfare, and that his practice has been successful. The command has been fortunate in regard to the casualties that have occurred, having suffered no loss of life either from wounds or sickness, and out of the number of wounded, (seven,) there are only three now under treatment, who are rapidly recovering, under the care of Dr. Hatch.

It gives me pleasure to state, also, that, during the campaign, the citizens generally, residing near the field of operations, have heartily co-operated with the expedition.

Respectfully submitted,

I have the honor to be,

Your obedient servant,

WM. C. KIBBE,

Quartermaster and Adjutant-General of the State of California.

CORRESPONDENCE,

Showing the origin of the Expedition, the efforts made to bring Federal troops into the field, and the disbandment of the State troops.

UNION, Humboldt County, August 14.

To His Excellency, John B. Weller:

DEAR SIR:—Accompanying this letter, you will receive a petition from citizens of this place, praying your official authority in our behalf, for the better protection of life and property, against the ruthless bands of hostile Indians, which infest this section of country. Thinking that a few remarks relative to the true state of affairs here, coming from one who, as the conductor of a public journal, is acquainted with the circumstances, might be of interest to you, I give them, hoping you will pardon the presumption.

It is now about two months since the Indians have been in open hostility to us, though, so far, they have confined their operations to the trail connecting this Bay with Weaverville. This being our direct channel of communication with the Sacramento Valley, and a trail over which a United States Mail must pass once a week, it is of the utmost importance that it should be kept open. When the Indians on this trail first manifested their hostility to us by shooting a man down who was traveling along, we supposed that a few men would be sufficient to punish the Indians, and make them sue for peace. Accordingly, a party was organized, and provided for by private means, and sent in search. After trailing the Indians for several days, they were attacked from an ambush, and one of the men killed. In the meantime, their camp, which they had left unguarded, was attacked, and ten mules killed. This party consisted only of twelve men. Subsequently, another party of twenty-five men went out, who were provisioned at a heavy private expense, and, in endeavoring to drive the Indians from the vicinity of the trails, they were fired upon in a deep cañon, and one man killed, and another wounded—perhaps mortally. The company has now disbanded, not feeling inclined to incur further danger and hardships, at their own expense. The trails are now closed, there being no travel over them except by night, or in large parties. The question now is, what is to be done? There are no troops here, at this garrison, and the people are not able to carry on a war at their own expense. The people of this County, and Trinity, are of the opinion that if the militia could be called out, and arms and ammuni-

tion furnished, that the merchants would then feel encouraged to furnish supplies, and wait on the Government for their money. This is all we want. We can furnish the men, if they can only be supplied. Having taken some action in the expeditions, so far, and lost some mules, I feel some interest, and have been solicited by citizens here to forward this petition, with the few names which have been procured in a few moments' time.

Any action in our behalf, with a view to our better protection, would be thankfully received, and duly appreciated by the people. I shall feel happy to make public, through the columns of my paper, any suggestions or orders you may think proper to make touching our critical situation. Hoping to hear from you on the subject at your earliest convenience,

I am, very respectfully,

Your obedient servant,

A. WILEY,

Editor and Proprietor "Humboldt Times."

To His Excellency, John B. Weller, Sacramento City.

To His Excellency, John B. Weller, Governor of the State of California:

The undersigned, citizens of Humboldt County, would most respectfully represent to Your Excellency, that the Indians infesting the mountains between the waters of Humboldt Bay and the Trinity River, are now, and for some time past have been, in a state of hostility; that they have already killed and wounded several men, and destroyed much property; and at this time the lives and property of many families, (settlers in the Bald-hills, and on Redwood Creek,) are at the mercy of these degraded savages.

Our mountain trails are so much endangered that trade and travel between this Bay and the Interior have become almost entirely cut off. In fact, the U. S. Mail is now transported over this section only at the hazard of the life of the carrier, who is obliged to pass the dangerous portion of the route during the darkness of the night only. Parties of our citizens have been sent out to check depredations by these savages, and punish them for past outrages, but the small companies thus voluntarily raised, and supplied by our citizens, have become disheartened at the prospect of a protracted Indian campaign, at their own risk and expense, and have returned. In the meantime, a band of their warriors, well supplied with fire-arms and ammunition, are now skulking about in the gulches of the mountains, prepared to continue their depredations on a plan more effectual against the whites, and with less risk to themselves.

Believing it to be a duty the Federal Government owes to its citizens everywhere to protect them from depredations by Indian tribes, either by force or by removing said Indians to reservations, and compelling them to remain there, we have petitioned the Commander of the United States troops in this section for aid, but, for want of sufficient force at his disposal, he is unable to render us any assistance.

We have repeatedly urged upon the Indian Department the necessity of removing these Indians from the country they at present inhabit, to the reservations intended for them.

Our just demands in this respect have failed to receive any favorable response, and these savages are allowed to roam at large and commit de-

predations on the lives and property of our citizens whenever they choose to do so.

In this condition of affairs, the undersigned earnestly petition Your Excellency to call out a sufficient number of State troops, from this and the adjoining Counties of Trinity and Klamath, to chastise these savages as their deeds of outrage deserve, and to drive them from their haunts of plundering, in the mountains, to the reservations, as the only means of restoring permanent safety to this section of the State. And your petitioners will ever pray, etc.

Henry Mills,
J. C. Bull,
Rosket & Co.,
J. Cullberry,
B. C. McCormack,
J. S. Shaff,
J. Houter,
Eli S. Shaft,
Peter Dexalt,
Thomas J. Sitaw,
H Maunhear,
Peter Brown,
John Cushing,
R. Desty,
D. D. Averill,
Cyrus Stedman,
Henry D. Levy,
Owen O'Connell,
Samuel Hunt,
T. McLaak,
A. F. Marsh,
A. M. Childs,
P. Croghan,
C. E. March,
E. D. Wallace,
Henry J. Davis,
D. W. Jinkins,
E. G. Ritch,
Isaac Minor,
James Lee,
Hiram Hogoborn,
James Seright,
J. C. Craig,
Thomas J. Primm,
Alexander Brizard,
David Roe,
William Nixon,
Finley Lindsey,
C. L. Scott,
Juan T. Digries,
——— Acana,
Albert G. Hansby,
H. McMasten,
Allen Green,
James Light,
W. H. Wall,
Preston McKinney,
David Mastern,
Henry Stein,
John Nixon,
John W. Griffin,
A. H. Averill,
P. K. Webster,
A. Bohall,
A. H. Gardner,
J. S. Flumb,
Charles J. Gardner,
T. Sominheimer,
C. Schoundber,
O. Benedict,
A. Wiley,
George H. Telley,
William Bohill.

August 14, 1858.

To His Excellency, John B. Weller, Governor of California:

We, the undersigned, citizens of the County of Trinity, would most respectfully represent, that the Indians inhabiting the country between this and Humboldt County—have assumed a hostile position towards our citizens—and have already perpetrated numerous outrages.

In this particular locality, the Indians known as the Redwood Indians, have, in the past four or five years, killed some fifteen or twenty of our citizens, besides causing much loss of property, and greatly impeding the commerce which has been growing up between this County and Humboldt Bay.

On one occasion, some three persons have been killed, among them Mr. Chauncey Miller, one of our most esteemed citizens.

These outrages call for immediate redress, and we deem it of the most vital importance to our coast-trade, and well-being generally, that those Indians, who have ever been a terror to us, should be driven from their present hiding-places, and, if not exterminated, at least drive them to some place where there are not such opportunities to do mischief.

We therefore pray Your Excellency to authorize the raising of a company of one hundred men, for six month's service, against these Redwood Indians. And, as in duty bound will ever pray, etc.

John C. Burch, 21st district,	L. C. Perry,
Jno. A. Watson,	A. G. Messic,
D. H. Lafant,	John Mortland,
John Clerk,	A. Cochell,
L. W. Ludwig,	J. T. Pennington,
Wm. P. Daingerfield,	J. S. Pilea,
A. J. Loamis,	H. J. Howe,
W. W. Tinun,	Delos J. Wour,
H. Greenhood,	E. J. Curtis,
C. H. Carber,	W. F. Rowe,
John W. Badger,	M. Lang,
M. Williams,	E. B. Blake,
J. P. Keas,	D. Bernard,
Geo. Dunlap,	Wm. J. Blake,
C. S. Newton,	H. J. Nettlebow,
M. D. Ochlebree,	John J. Jones,
W. H. Yancey,	D. E. Gordon,
A. J. Hupp,	H. A. Brown,
R. Boch,	H. B. Davison,
Wm. R. Watson,	H. J. Seaman,
John Martin,	J. Johnson,
B. W. Winston,	R. Drismen,
John B. May,	David W. Cumhead,
J. Comstock,	J. F. Fagg,
K. G. Stewart,	H. M. Garter,
Nathan Young,	Jno Hopper,
Jas. Bennett,	Geo. Sherbourne,
J. D. Alexander,	James R. Batch,
Jas. Brown,	Joseph Smith,
S. E. Jacobs,	Henry Hopper,
Wm. H. Dennis,	Martin Regan,
J. C. Wood,	Josh. Moffatt,
A. F. Kingsbury,	Samel Bager,
J. F. Chillis,	Joseph Brumley,
O. A. Gray,	L. W. Dady,
A. K. Earl,	B. F. Guptill.

HEADQUARTERS, BENICIA, CALIFORNIA,
September 2, 1858.

Governor J. B. Weller, Sacramento City:

SIR:—I have just read a letter addressed to Gen Clarke, from you, dated September first, which was brought to these headquarters by Adjutant-General Kibbe. In reply, I can only regret that the state of my

command will not admit of my detaching even the smallest guard from this place.

Very respectfully,
Your obedient servant,
CHARLES E. MERCHANT,
Lieutenant-Col. Third Artillery, Commanding Post.

[Telegraphic Dispatch.]

SACRAMENTO, September 25, 1858, 4 o'clock, P. M.

To Major W. H. Mackall, A. A. General, Pacific Department:

You will please inform me of the number of United States troops now at Humboldt Bay, for Indian service.

By order of the Governor of California,
W. C. KIBBE, Adjutant-General.

SAN FRANCISCO, September 2, 1858.

To His Excellency, John B. Weller, Governor of California:

SIR:—Your communication of the first instant, addressed to General Newman S. Clarke, relative to Indian hostilities in the Counties of Trinity and Humboldt, has this day been referred to Major Allen, U. S. A., the senior officer at San Francisco, who informs me that there is not an available soldier now in this State. Major Allen also informs me that General Clarke is now at Vancouver's Island, and that Colonel Merchant, (now at Benicia,) is the second officer in command in this Department, (Pacific,) and that he is the proper officer to communicate the information to Your Excellency, in the absence of General Clark. I shall, therefore, at once repair to Benicia, and lay Your Excellency's communication before Col. Merchant, with the view of obtaining a reply to the same, and, if possible, return to San Francisco to-night

If I can not accomplish this, I will await orders from Your Excellency at Benicia, until the following evening, in which case I desire to be notified by telegraph whether orders have been issued directing the raising a company for the purposes named.

If Col. Merchant responds to your communication with the statement that the General Government has no troops to send to the point named, I will at once telegraph the fact to you at San Francisco, if desirable to have dispatch in this matter.

I am, sir, Your Excellency's obedient servant,
WM. C. KIBBE,
Quartermaster and Adjutant-General State of California.

[Telegraphic Dispatch.]

SAN FRANCISCO, September 26, 1858.

To General W. C. Kibbe:

There is at Fort Humboldt one Company of United States troops, numbering eighty-four (84) men.

ROBT. ALLEN,
Brevet-Major and Assistant Quartermaster.

To the Honorable John B. Weller, Governor of California:

The undersigned, citizens of Humboldt County, respectfully represent, that the company of volunteers called into service for the suppression of Indian hostilities, under the command of Captain J. G. Messic, by the authority of the State, have rendered, and are still performing, efficient and valuable services, in ridding the Country in this vicinity, of hostile Indians, notwithstanding a season, thus far, of unparalleled severity; that, by their activity, vigilance, and zeal, they have not only accomplished much, but have plans matured, by which, if not prematurely disbanded, they will be enabled, effectually and thoroughly, to finish what they have so well begun; that we have heard, with surprise and regret, that it is in contemplation to disband the State troops, and replace them with a company of United States troops, raw recruits, and wholly inexperienced in Indian warfare.

The undersigned do earnestly, but respectfully, request Your Excellency, for the above reasons, not to disband the company of volunteers now in active service.

Samuel Hunt,
Elbert Harston,
T. J. Firlow,
John A. Whaley,
David Masten,
A. Brozard,
J. O. Craig,
Spencer, Vanhiem & Stein,
Leon Chevret,
Roberts & Codington,
E. D. Wallace,
Charles Giltave,
Wm. E. Spencer,
C. A. Murdock,
David Rea,
T. E. Schumard,
J. M. Reckhold,
G. Savavey,
J. N. James,
D. Read,
T. W. Yatt,
J. E. Wyman,
Ferd. Boskell,
Stillman Derby,
E. Williams,
Caleb Gavart,
W. R. Hamilton,
Warren Moore,
Robert Trimble,
P. W. Reas,
D. B. Rilsey,
T. Heisterhagen,
Daniel Crockett,
John W. Dyer,
J. P. Keenan,
W. H. Hall,
W. F. Huestis,
B. Bradley,
P. Laubis,
John Strachan,
A. E. Fry,
H. W. Havens,
H. Hogoborn,
F. Damour,
Frank A. Week,
J. Cullbery,
Elias Sharp,
Cyrus Stedman,
Thomas Green,
Jonathan Bellkey,
Henry D. Ley,
G. W. Owsley,
Byron Lenning,
S. G. Whipple,
F. Bret Harte,
Charles Booth,
S. Nelson,
H. Plushman,
A. G. Handy,
P. K. Webster,
Samuel Hawley,
James Light,
James Soright,
Geo. H. Tillery,
Juan T. Xigues,
Sidney Sufkin,
S. Smitheimer,
B. Croghan,
J. Kent,
James S. Tehwent,
A. W. Murdock,
H. Gras,
John Behmer,
Peter Masten,

Thos. McCormick,
John E. Raisbeck,
Jacob Bitker,
Jacob Mann,
T. Emiles Martin,
Robert Porter,
Wm. Carson,
Sam'l McDonnell,
Samuel Barrell,
Benj. Simpson,
B. F. Osgood,
Benj. Little,
John Mackey,
Joseph Marks,
James C. Smiley,
Frank Ellery,
J. H. Davis,
Math. Sornbohm,
James Dawson,
Franciscus Moort,
C. H. Henry,
A. Crane,
Wm. Hutchinson,
Philander Steward,
John F. C. Killson,
Michael Normile
O. McKanna,
John Vancy,
J. M. Olmstead,
Thomas Dean,
J. Manning,
G. W. Redding,
W. H. Will,
C. J. Schamard,
Wm. Masten,
W. Otto,
Nathan Cornight,
Henry Rogers,
P. P. Lawson,
Wm. C. Martin,
R. W. Brett,
T. Feigenbaum,
T. H. Ford,
James A. McKnight,
T. A. Turner,
Thos. Griffith,
E. M. Long,
J. A. Perry,
B. Sanborn,
A. Atkinson,
Chas. Williamson,
William Nichols,
J. M. B. Adams,
H. M. Grath,
Henry McKay,
Edward Kenedy,
A. C. Hemming,
John L. West,
H. Whitney,
Graham Lee,
Lewis K. Wood.

At a public meeting of the citizens of Union, and vicinity, held pursuant to notice, at Alex's Saloon, on Thursday, the sixteenth of September, one thousand eight hundred and fifty-eight,

On motion, H. F. James, Esq., was called to the Chair, and F. B. Harte appointed Secretary. H. W. Havens opened the business of the meeting, by briefly stating its object to be to take such measures as might seem necessary for the protection of the lives and property of the citizens, from Indian murder and aggressions, and, for that purpose, introduced the following preamble and resolutions, which were seconded, and unanimously adopted:

Whereas, The unprovoked murder of the lamented Paul Boynton, and other recent events, have demonstrated, in the most unequivocal manner, if more proof were wanting, the determined, and deadly hostility of the Indian tribes in this vicinity, and that nothing except the most prompt and energetic measures, on the part of the entire white population, acting unitedly, can prevent the frequent recurrence of similar outrages: Therefore,

Resolved, That a Committee of five citizens be appointed by this meeting, with full authority to devise and carry into execution such measures as they may deem most prudent and efficient, for the punishment of the savages, and the better protection of the citizens, in their lives and property, from their future aggressions, and to convene the citizens as occasion may require, during the continuance of the present difficulties.

Resolved, further, That the Trustees of the town of Union be requested to levy a property-tax of not less than fifty cents upon each one hundred dollars, valuation, the proceeds to be appropriated to the payment of such necessary expenses as may be incurred by the Committee of five in the discharge of their duties, until provision shall be made for the payment of the same by the State or General Government.

On motion, the following gentlemen were nominated, and appointed as the Committee expressed in the foregoing resolutions: J. O. Craig, A. H. Murdoch, E. L. Wallace, David Masten, H. W. Havens.

On motion, the meeting adjourned until the following evening, to hear a report of progress from the Committee.

I certify the foregoing to be a true transcript of the proceedings of the above meeting.

F. BRET HARTE, Secretary.

The undersigned Committee, appointed at the public meeting of the citizens of Union and vicinity, a copy of the proceedings of which is set forth above, have, in pursuance of the authority vested in them, appointed David Masten, one of their number, to wait upon the Governor and acquaint him with the condition of Humboldt County, in reference to Indian disturbances, and to obtain such assistance as he may be authorized to give, by the power vested in him, and as the nature of the circumstances demand.

Any statements Mr. Masten may make as to the facts involved, will be entitled to full credit, and will be fully indorsed by this Committee, and this community.

Our wants are briefly stated. They are: Executive authority to organize a sufficient force to quell the hostile Indians, and an adequate supply of State arms for their equipment, with the utmost promptitude consistent with the requisites of the law.

(Signed,) H. W. HAVENS, J. O. CRAIG, J. A. BOUTELL, *vice* A. H. MURDOCK, resigned, E. L. WALLACE, } Committee.

Dated, Union, September 18, 1858.

Executive Department,
Sacramento, September 5, 1858.

Sir:—A large number of the most respectable citizens of Trinity and Humboldt Counties have represented to me, that a band of Indians, of the Redwood tribe, have recently killed several persons, and committed many outrages upon the road from Weaverville to Humboldt Bay. It is said that communication between these points is nearly suspended, and that traveling has become exceedingly dangerous. Under these circumstances, I have been called upon for a military force to open the route, and give protection and security to those who may desire to pass over it.

Unwilling as I am to involve the State in the expense of a campaign against the Indians, unless absolutely necessary, I have to request that you proceed at once to Weaverville, with a view to furnish me information touching the actual condition of things in that region, at the present time.

You will ascertain the number of Indians in the vicinity of the road, and the character of the outrages they are committing. If they are still upon the road, and occupying a hostile attitude towards the people, you will place the order herewith enclosed in the hands of Brigadier-General Dosh. It is not my intention to call out a military force to chastise the Indians for *past* outrages, but if they are being continued, they must be subdued. The communication between the important points referred to must be kept open, and protection given to our citizens at all hazards. You will report to me, by telegraph, from Weaverville, and from time to time, as circumstances may require.

You will keep an accurate account of the personal expenses you incur in executing this order, which will be paid on your return.

Very respectfully, etc.,

JOHN B. WELLER.

Brigadier-General W. C. Kibbe, Adjutant and Quartermaster-General of California, Sacramento.

ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Department of the Pacific, San Francisco, Cal., Sept. 6, 1858.

SIR:—Your letter to General Clarke, of September first, has just been handed to me, and, in the absence of the General, I hasten to inform Your Excellency that the General, notified of the disturbances in Humboldt County, had so far anticipated your wishes as to send to Fort Humboldt all the men at his disposal. His detachment, now in this harbor, will be sent up by the earliest steamer, and the General trusts that it will give sufficient protection until a larger force, shortly to be placed at his disposal, will enable him to obtain full control over the Indians.

I am Sir, very respectfully,
Your obedient servant,
W. W. MACKALL,
A. A. General.

To His Excellency, John B. Weller, Governor of the State of California, Sacramento City.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, September 7, 1858.

SIR:—I send, herewith, a copy of a letter received on yesterday, from the Adjatant-General, Pacific Division, U. S. Army.

I can not order out any troops until I am satisfied that the Federal force is insufficient to give adequate protection to the people. The order, therefore, to General Dosh, will not be delivered until I am fully advised in the premises.

Very truly,
Your obedient servant,
JOHN B. WELLER,
Governor, and Commander-in-Chief.

Brigadier-General W. C. Kibbe, Adjutant and Quartermaster-General of California, Weaverville.

OFFICE QUARTERMASTER AND ADJUTANT-GENERAL, California.

To His Excellency, John B. Weller, Governor of California:

SIR:—I have the honor to report, that, pursuant to Your Excellency's

instructions, dated the fifth instant, I proceeded to Weaverville, Trinity County, for the purpose of ascertaining the facts relative to the actual condition of things in the region of country between that place and Humboldt Bay, touching the depredations being committed by a tribe of Indians known as the Redwood tribe, who occupy a portion of the country along the trail leading from Weaverville to Uniontown, Humboldt Bay. Failing to obtain what I deemed to be satisfactory and reliable information at that point, I proceeded, in company with an old and expeperienced mountaineer, J. G. Messic, Esq., to the country inhabited by this hostile tribe of Indians, in order to satisfy myself fully as to the number of these hostile savages, and, if possible, to learn their future designs. I found that the people who were living contiguous to these Indians were in great fear, and that, owing to the revengeful warfare being waged against them, that they did not dare to travel over this country unless in large numbers, and well armed. The number of warriors belonging to this tribe is estimated at from two hundred and fifty to three hundred, besides which it is known that there is at this time about fifty braves of the Hoopa tribe with them; and, from the fact that most of the warriors of the Trinity Indians, who usually reside on the banks of the Trinity River, where they are frequently to be seen, have, all at once left the river, it is feared that they too have joined these hostile Indians. I am induced to believe, at all events, that these heretofore friendly Trinity and Hoopa Indians are aiding and abetting the Redwood tribe, if they have not actually engaged in their hostilities, for that they have procured arms and ammunitions for them. In proof of this, I learned, from undoubted authority, that three Indians—one Trinity, one Hoopa, and one of the Redwood tribe—passed down the main Trinity River from the North Fork, a few days ahead of me, having in their possession fourteen cannisters of powder, and several rifles, and I have little doubt but their destination was the hostile camp. The hostile tribe are generally well armed with rifles, for I have proof that, at one time, at least forty shots were fired by a party of them, from as many guns, killing two white men, and wounding two others. The warfare they are waging does not seem to be entirely a predatory one. They care little for plunder—they seek to destroy men and animals. They will, however, shoot a man or an Indian for his gun—being anxious to obtain arms. They send out friendly Indians with gold-dust, to the camps about, to purchase arms and ammunition for them, who frequently offer one hundred and fifty dollars for a rifle worth ten dollars

This practice of selling arms and ammunition to any Indian, for any purpose, is highly reprehensible, and if there is no law against it, there should be, with the most severe penalties attached for its violation. I found, therefore, that there were from three hundred to four hundred hostile Indians, who had sworn to be avenged upon the whites, even to their extermination, that they were generally well armed and supplied with ammunition; that they occupied probably the wildest and most difficult portion of country in the State for a white man to travel; that they expected aid from the surrounding tribes, in case a force was sent against them; that they would remain upon the road referred to until driven off; and, for the time being, that no one could travel over that trail without imminent danger to life and property. I was, therefore, forced to a conclusion—the only one which justice and humanity alike seemed to demand—which was, that it was the imperative duty of the State, in the absence of that protection which it is the duty of the General Government to afford to her frontier citizens, to assume the responsibility, and enter

at once upon this duty, and, if necessary, exterminate these savages; and, for that purpose, I had designed issuing the orders intrusted to me, and also to superintend the raising a company of eighty mountaineers, who were well acquainted with Indian warfare, and many of them with the country inhabited by these tribes. With this force, the Indians referred to could have been punished for their many wrongs, and effectually quieted in from thirty to sixty days. On my return to Weaverville, however, Your Excellency's communication, inclosing the letter of Adjutant-General Mackall, informing you that Gen. Clarke had anticipated your action by detailing a force of his command to this country, reached me.

The immediate expense to the State, therefore, of the expedition has been saved, and, I trust, ample protection will be afforded to the people of that section by the troops referred to.

I am Your Excellency's obedient servant,

WM. C. KIBBE,

Quartermaster and Adjutant-General of California.

WEAVERVILLE, September 22, 1858.

Governor John B. Weller:

Permit me to introduce to you, Mr. David Masten, of the Town of Union, Humboldt County. Forbearance is no longer possible, and the people of Humboldt County have determined to make a direct appeal to Your Excellency for aid to protect their lives and property.

Mr. Masten is possessed of all the facts, and will detail them to you in a much more intelligent manner than I can in this short note. I understand that a small company of U. S. troops have arrived at Humboldt, but it is the universal opinion that less than two companies will avail but little. The section of country which those Indians inhabit, is more difficult of access than probably any other in the State, and even if this company of U. S. troops were the most industrious, they could not possibly effect what is most desired. Mr. Masten is a valuable and responsible citizen of Uniontown, and will place before you facts upon which you can rely implicitly. With the hope that you will use every exertion to relieve us in this emergency,

I remain, yours, etc.,

JOHN C. BURCH.

To the Honorable John B. Weller, Governor of the State of California:

We, the undersigned, citizens of the County of Klamath, in the State of California, would most respectfully represent to Your Excellency, that the citizens of Hoopa Valley, in said County, being contiguous to the hostile tribes of Indians on Mad River, and Redwood Creek, situated upon the trails from the Towns on Humboldt Bay and the upper country of Klamath and Salmon River, and feeling that it is necessary that we should have some protection, we have thought proper to call a meeting of the citizens of Hoopa Valley, and recommend to Your Excellency Capt. D. H. Snyder, as our representative to present to you the facts existing in relation to our Indian difficulties, and through him ask whatever assistance it may be in your power to grant, being fully satisfied that he will faithfully represent us to Your Excellency. We have, therefore, asked

that he may act personally for us, and would also pray that his statements be received as the sentiments of the inhabitants of the County of Klamath.

Eam Rutta,
Judge Klamath County,
J. Blecis, Sheriff,
L. S. Brown, Deputy,
Wm. S. Steven, County Clerk,
J. Haney, Treasurer,
Thos. H. Proctor, Assessor,
Wm. Stevens, Postmaster.
J. F. Mitchel,
Reason Wiley,
J. C. Martin,
J. L. Craum,
Wm. F. Sheldon,
John Chapman,
William Burrill,
J. A. White,
Daniel McGlinne,
John F. Fennessey,
Robert J. Walker,
Joans M. Kleiser,
T. G. Campbell,
B. H. C. Pollard,
G. W. Taggart,
Louis Olsen,
John B. Sauniahson,
Wm. F. Nemgbar,
Richard Thomas,
Virgil Cardway,
J. J. Genet,
S. Mills,
J. A. Kleiser,
Richard Mallet,
Norman Gould,
Wm. A. Brush,
J. G. Beris,
Joseph Stone,
Berryman Lock,
A. R. Ware,
J. A. Kidd,
L. W. Hart,
John H. Webb,
T. M. Scott,
Asa Pratt,
William Norris,
James Marshall.

The undersigned, Committees appointed at public meetings of the citizens of the Towns of Union and Yreka, Humboldt County, on the sixteenth day of September, instant, to act on their behalf in relation to existing Indian difficulties, have conferred with Capt. D. H. Snyder, representing the people of Hoopa Valley, Klamath County, in reference to their peculiar and exposed condition, and concur in the opinion expressed by him, that there is an urgent propriety and necessity for the establishment of a permanent military-post at that point, pending the prosecution of active hostilities at other points, until the removal of the existing Indian population from that place and the adjacent County to the Klamath Reservation, for the following reasons:

First—The Indians in that locality are numerous, and connected, to a greater or less extent, with the hostile tribes on Redwood, Upper Trinity, and Mad River, and Willow Creek, and, unless preventive steps are speedily adopted, will constitute a natural and safe refuge for those hostile tribes from the retributive pursuit of the whites—the inevitable result of which will be, to convert a local into a general Indian war in the Northern section of the State, and more immediately peril the lives and property of the white population at Hoopa Valley.

Second—Hoopa Valley is situated directly upon the great Northern trails leading from Union and Trinidad, to the Lower Trinity, Klamath, and Salmon Rivers, and the presence of a considerable body of Indians at that point and vicinity *at all times*, and especially in times like the present, must expose the lives and property of those engaged in the carrying trade between those places, to their assaults and depredations. Necessity, therefore, imperatively calls for their removal to a more remote

locality, and, in the meantime, and until that can be effected, for the presence of a sufficient restraining force at that point.

Walter Van Dyke,
C. S. Ricks,
A. D. Sevier,
Daniel Pickard,
Eureka Committee.

H. W. Havens,
J. O. Craig,
E. L. Wallace,
James A. Boutell,
Union Committee.

UNION, September 30, 1858.

[Special Order, No. 2.]

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, September 28, 1858.

SIR:—I place in your hands an order, directing Brigadier-General Dosh, of the Second Brigade, Sixth Division, to call out, and muster into the service of the State, a company of eighty men, to clear the road between Weaverville and Humboldt Bay, of the Indians who have committed, and are still committing, outrages upon our citizens. Many murders and robberies have been perpetrated, and I have received satisfactory evidence that travel over this important trail is still exceedingly dangerous. I have suggested to the Superintendent of Indian Affairs, Colonel Henly, the propriety of being on the ground to treat with those Indians, if possible, and secure their removal to the Federal Reservations.

The outrages which they have committed, and the hostile attitude which they at present occupy, render it, perhaps, difficult, if not impossible, to treat with them until they have been severely chastised.

You will see that every facility is extended to him, should he deem it proper to visit that region, to enable him to treat with them.

Arms, ammunition, Quartermaster and Commissary stores, will be furnished by you, upon the requisition of the commanding officer.

In issuing rations, etc., you will be governed by the regulations of the army of the United States, as nearly as may be compatible with the character of the service.

In purchasing supplies, you will take care that the strictest economy is observed. You will do everything in your power to make the campaign short and decisive.

The women and children must be spared, and there must be no indiscriminate slaughter of the Indians. Humanity demands that no more blood should be shed than is indispensable to open the trail, and render travel upon it secure and uninterrupted in the future. You will take care that this order is read to the company which may be mustered into service.

Communicate with the officer in command of the Federal forces at Humboldt Bay, and endeavor to obtain his co-operation in subduing these Indians, and keep me duly advised of all your movements.

Very respectfully,
Your obedient servant,
JOHN B. WELLER.

Brigadier-General W. C. Kibbe, Adjutant and Quartermaster-General of California.

WEAVERVILLE, October 11, 1858.

To His Excellency, John B. Weller, Governor of California:

SIR:—I leave here, on to-morrow, for Big Bar, Trinity River, where the company will be organized on Thursday next, after which, I shall move on, with all possible dispatch, to the scene of disturbances. The mail-carrier has not arrived, and fears are entertained by some that he has been cut off, although I presume that he did not deem it prudent to start on this trip. The mountains are reported full of Indians, who are yelling and whooping like wild men, and who seem to be anticipating all our movements. Their numbers are greatly multiplied since I was here last, yet I am in hopes that the force ordered into service will be sufficient to bring them to terms, and that will necessarily have to be done speedily, as it is getting late in the season, and will soon be difficult to traverse the mountains.

I will write you from Big Bar, and advise you of the prospects of the campaign. So far as an estimate can be made, I think our company will mainly be composed of men who are inured to hardships, and whose energies will be voluntarily exerted to the accomplishment of the ends sought for. Of one thing, however, I feel quite sure, and that is, that there will, necessarily, be some hard fighting, before any peaceful propositions will be entertained. The Mad River Indians, (hostile,) met a portion of the Hoopa and Trinity Indians, about a week ago, on Hay Fork of Trinity River, about thirty miles from where the depredations have been committed, and formed what they called a treaty, had a war-dance, and a grand jubilee. This is ominous that they intend to be joined in case of an attack upon them.

They had a great many arms, and wore a belligerent attitude. I have drawn a draft of three hundred dollars, for expenses. The freight on arms, to Big Bar, from Sacramento, cost one hundred and nineteen dollars, which I have paid out of my own funds.

I have the honor to be,

Your Excellency's obedient servant,

WM. C. KIBBE,

Quartermaster and Adjutant-General.

HEAD-QUARTERS DEPARTMENT OF THE PACIFIC.
San Francisco, California, Oct. 16, 1858.

SIR:—I am instructed, by Brigadier-General Clarke, to inform Your Excellency that one company has just been landed by him for the Klamath and Humboldt District that a second, now under orders, is expected to reach Humboldt by the return of the next mail-steamer from the Columbia River.

I am, Sir, very respectfully,

Your obedient servant,

W. W. MACKALL,

Asst. Adjt. General.

To His Excellency, John B. Weller, Governor, etc.

EXECUTIVE DEPARTMENT,
Sacramento, California, Nov. 27, 1858.

SIR:—I have been informed, by Gen. Clarke, commanding the Pacific

Department of the United States Army, that he will dispatch, by the next steamer, to Humboldt Bay, a portion of the Sixth Infantry, which recently arrived in this State. Satisfied that this force will be found sufficient to give protection and security to our citizens, against the hostile Indians, you will, upon the arrival of these troops, proceed to disband the volunteer company now in the field.

In mustering this company out of service, you will say to the officers and privates that the Commander-in-Chief thanks them for the very gallant manner in which they have conducted the campaign; and he doubts not the people will fully appreciate the valuable and patriotic services which they have rendered to the State.

Very respectfully,
Your obedient servant,
JOHN B. WELLER,
Commander-in-Chief of California Militia.

To Gen. W. C. Kibbe, Adjutant and Quartermaster-General, California Militia.

CAMP OF VOLUNTEERS, NEAR HEAD-WATERS OF VAN DUSEN.
December 21, 1858.

To His Excellency, John B. Weller, Governor State of California:

SIR:—I have the honor to report that I came into this section of country with Lieutenant Prosser's detachment of thirty men, on the twelfth instant—leaving Captain Messic and the remainder of the company distributed on either side of Mad River, above the Redwoods—a portion scouting for Indians and scouring the country, so as to prevent the return to the Redwoods of those Indians who had previously been driven up that stream, and preparing to bring the balance of the Redwood Indians to terms, or effect their capture, as the closing act of the expedition—expecting this detachment to capture those on Upper Mad River and contiguous streams. I believe this can be accomplished by the twentieth of next month, and the main body of the Indians sent out of the country, if the weather should prove at all favorable.

The Indians in the sections of country referred to are charged with committing most, if not all, of the depredations in this section of country, and it is essential to a permanent peace that they should all be removed. They now occupy a large tract of the best grazing country in the State, containing nine thousand square miles, and estimated to produce sufficient grass to support from sixty thousand to ninety thousand head of stock the year round,—and not only seem determined to hold it to themselves, but they will not permit our citizens even to travel over the trails which run through it.

There is, also, in the tract of country referred to, a large quantity of land that is susceptible of cultivation, which would doubtless be found well adapted to the growth of small grains, vegetables, and the hardier fruits. It is watered by streams running through it, parallel to each other, at distances of from five to eight miles apart from each other, which are skirted with an abundance of timber for all purposes of the settler. But to the expedition: On my arrival here, I dispatched two messengers for an Indian, who would act as guide and interpreter for the detachment, who returned on the sixteenth, bringing the Indian to camp. On the seventeenth, the detachment, (twenty-seven men,) left camp, and after traveling twenty miles, succeeded, on the following morning, in surprising seventeen ranchos, capturing eighty-four Indians, without the

loss of one, or the firing of a gun, all of whom are now in camp, and carefully guarded, well fed, and sheltered. Among them are a few of the most desperate in the country, and two chiefs of tribes. I do not believe that there is an instance recorded in which so many hostile Indians were so successfully taken by a similar force. I can not speak too highly of the efficiency of this company, from the Captain down. We have had much to contend with. Our men have been constantly scouting during the late severe storms; and we now know where the Indians are to be found, and, I think, will be able to rid this country of these savages in a short space of time.

You can judge of the general efficiency of the company, when I inform you that the ranchos taken, extended, or were scattered along the river for a distance of six miles, and the whole number were taken at the time spoken of. I found it necessary to dispatch a messenger for the Captain, and some thirty additional men, to aid in guarding the Indians we have, and in capturing those remaining in this section.

We shall doubtless be able to leave here, with our prisoners, in a very few days, when the whole command will be thrown into the Redwood country. Twenty days will suffice to capture this tribe after the country is thoroughly scouted, which will have been done by the time that we return, so that, by the twentieth of January, I think we may expect to wind up the expedition.

Colonel Henly should be advised, at once, that we have from one hundred and fifty to two hundred Indians, (prisoners,) who should at once be removed to a distant Reservation, in accordance with his promise. I will deliver them to him at Humboldt Bay.

The expenses of the expedition for supplies—ninety-two men, two and a-half months, besides prisoners, up to the first day of January—say, six thousand five hundred dollars. I desire Your Excellency, either in your annual, or in a special message to the Legislature, to recommend the immediate payment of those claims by the State, and you can safely assert that no person has been permitted to make a dollar by speculation out of supplying this expedition. I confidently hope the expedition will be terminated by the twentieth of January, and a permanent peace concluded by that time.

I would make a detailed report had I time.

I have been in the field constantly, on one of the several trials.

Please forward such orders as you deem necessary.

I am, Sir, your obedient servant,

W. C. KIBBE,
Adjutant-General.

To the Honorable John B. Weller, Governor of the State of California:

The undersigned, citizens of Humboldt County, respectfully represent that the company of volunteers called into service for the suppression of Indian hostilities, under the command of Capt. J. G. Messic, by the authority of the State, have rendered, and are still performing, efficient and valuable services in ridding the County, in this vicinity, of hostile Indians, notwithstanding a season, thus far, of unparalleled severity; that, by their activity, vigilance, and zeal, they have not only accomplished much, but have plans matured by which, if not prematurely disbanded, they will be enabled effectually and thoroughly to finish what they have so well begun; that we have heard, with surprise and regret, that it is in contemplation to disband the State troops, and replace them with a company of

United States troops, raw recruits, and wholly inexperienced in Indian warfare.

The undersigned do earnestly, but respectfully, request Your Excellency, for the above reasons, not to disband the company of volunteers now in active service.

A. Wiley,
J. Murray,
H. S. Comstock,
F. Tomlinson,
A. W. Hanna,
J. Roberts,
N. Newel,
C. Dailey,
H. F. James,
Dan. Pickard.
Walter Vandyke,
Henry J. Dart,
Edwin Tomlinson,
A. D. Sevier,
William Ellery,
M. Lucas,
John M. Dyer,
J. C. Butler,
L. M. Burton,

[General Kibbe to Major G. J. Rains.]

UNIONTOWN, December 25, 1858.

SIR:—I am just in receipt of a communication from His Excellency, Gov. Weller, dated November twenty-seventh, one thousand eight hundred and fifty-eight, in which he says: "I have been informed by General Clark, commanding the Pacific Department of the U. S. Army, that he will dispatch, by the next steamer to Humboldt Bay, a portion of the Sixth Infantry, which recently arrived in this State, for the purpose of protecting our citizens in this section against the hostile Indians."

You will please inform me what number, if any, of such troops have arrived, and at what time they will be ready to take the field for this purpose.

I have the honor to be,
Your very obedient servant,
WM. C. KIBBE,
Adjutant-General, California.

P. S.—Please reply, and forward by bearer, if convenient.

W. C. KIBBE,
Adjutant-General, California.

Major G. J. Rains, commanding, Fort Humboldt.

[Major G. J. Rains to General Kibbe.]

FORT HUMBOLDT, December 26, 1858.

SIR:—I was in receipt of yours of twenty-fifth, during the night, and, in answer, state that we have been joined by Captain Lovell, one Lieutenant, and Company B, Sixth Infantry, consisting of forty-eight men, who will take the field forthwith—that is, as soon as in a condition to do so, and we can supply them with an outfit.

Very respectfully,
Your obedient servant,
G. J. RAINS,
Major, Fourth Infantry, Commanding.

To Wm. C. Kibbe, Adjutant General, California, Uniontown.

UNION, HUMBOLDT COUNTY,
January 8, 1859.

SIR:—The accompanying petition was hastily got up, and circulated but a few hours, and not outside of this Town, and Eureka, but I believe, Sir, that every citizen having a permanent interest in this County, heartily wishes the company of volunteers, under the command of Capt. J. S. Messic, to be retained in the field until they have accomplished their well-formed plans of ridding this County of Indians

I believe they can do it in a few weeks. Should they be disbanded now, they leave the work but half-finished, and the Indians will soon, no doubt, recommence their depredations upon settlers and travelers.

Hoping that your Excellency may think it within the line of your duty to continue the present force of State troops under arms for some weeks to come,

I remain, very respectfully,
S. G. WHIPPLE.

To His Excellency, John B. Weller, Governor of California.

EXECUTIVE DEPARTMENT, SACRAMENTO, CALIFORNIA,
February 5, 1859.

General W. C. Kibbe, Adjutant-General, etc.:

SIR:—I have been waiting very impatiently for a dispatch from you. I am assured that the Federal force at Humboldt is now quite sufficient to give protection to the people, and chastise the Indians, in the event it should become necessary. If such be the fact, it is my duty to disband the State troops at once. I do not doubt that they have rendered efficient service to the State, but their continuance in the field must depend entirely upon the question, whether the Federal force is able to give the necessary protection. The Executive is not justifiable in employing State, when Federal troops can be obtained.

Respectfully, your obedient servant,
JOHN B. WELLER,
Governor, and Commander of California Militia.

[General Kibbe to Major G. J. Rains.]

UNIONTOWN, March 11, 1859.

SIR:—I am informed by His Excellency, the Governor of California, that he has been assured that the Federal force now on this Bay is ready for immediate service, and is sufficient for the protection of the people, and to chastise the Indians, if it should become necessary.

Please advise me if such is the fact, and if your troops are ready to take the field immediately.

I have the honor to be,
Your obedient servant,
WM. C. KIBBE,
Adjutant-General of the State of California.

Major G. J. Rains, Commanding Post, Bucksport, Humboldt Bay, California.

[Major G. J. Rains to General Kibbe.]

FORT HUMBOLDT, CALIFORNIA,
March 16, 1859.

SIR:—Your letter of eleventh instant came to hand, Monday, per express, and in answer I have to inform you that a needful supply of clothing for the troops, the shipment of which we have been notified, is hourly expected. When it arrives, they will be put in readiness for the field without delay. We supposed the steamer would have brought it, but were disappointed.

Very respectfully,
Your obedient servant,
G. J. RAINS,
Major, Fourth Infantry, Commanding.

To W. C. Kibbe, Adjutant-General of California, Uniontown, California.

On motion of Mr. Burch, seven hundred and twenty copies of the message, and accompanying papers, ordered printed.

Mr. Bradley, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate bill No. 265, an Act to authorize the Courts of Record of this State to admit E. G. Browne to practice as an Attorney and Counselor-at-Law.

Also, Senate bill No. 258, an Act amendatory of an Act to fix the compensation of the County Judge of Calaveras County, and the District-Attorney of Calaveras County.

Also, Senate bill No. 261, an Act to audit certain claims.

And find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted.

SPECIAL ORDER OF THE DAY.

Senate bill No. 246, an Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest—

Mr. Dickinson moved to reconsider the vote by which the Senate adopted the amendment to section fifth, striking out the words, "hereinafter specified."

Upon which, the ayes and noes were demanded, by Messrs. Price, Griffith, and Gregory,

Pending which, Mr. Ballou moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Dickinson, McDonald, Merritt, Parker, Phelps, and Williams.

On motion of Mr. Burton, further proceedings under the call were dispensed with.

The question recurring on the reconsideration of the vote by which the Senate adopted the amendment, the ayes and noes having been demanded, were taken, with the following result: ayes, 15—noes, 16:

AYES—Messrs. Ballou, Burch, Burton, Dent, Garter, Grant, Hart, Ketcham, Kirkpatrick, McDonald, Pacheco, Parks, Thom, Titus, and Williams—15.

NOES—Messrs. Anderson, Allen, Baker, Berry, Bradley, Denver, Gregory, Griffith, Hamm, Holden, Lansing, O'Farrell, Price, Quinn, Redman, and Wheeler—16.

So the motion to reconsider the vote by which the Senate adopted the amendment was lost.

Mr. Griffith moved to strike out, in the sixth section of the bill, the words, "and the value of the labor of State-prison convicts used in constructing the same."

Upon which, the ayes and noes were demanded, by Messrs. Burch, Anderson, and Burton, and taken, with the following result: ayes, 11—noes, 20:

AYES—Messrs. Allen, Ballou, Gregory, Griffith, Hamm, Holden, Lansing, O'Farrell, Price, Redman, and Wheeler—11.

NOES—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dickinson, Denver, Garter, Grant, Hart, Ketcham, Kirkpatrick, McDonald, Pacheco, Parks, Quinn, Thom, and Titus—19.

So the motion to strike out was lost.

Mr. Burton moved to add the following, to section five:

"*Provided*, that nothing in this section shall be so construed as to permit the introduction in evidence of the contract entered into, March twenty-sixth, one thousand eight hundred and fifty-six, named in section one of this Act."

Pending which, Mr. Gregory offered the following, as a substitute for the amendment offered by Mr. Burch:

"*Provided*, that nothing in this Act shall be so construed as to allow the Court or jury to consider the contract, mentioned in section one of this Act, except for the purpose of showing the right of the said Estill, or his assigns, to the possession and buildings mentioned in this Act."

REPORTS.

Pending which, Mr. Denver made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 181, "An Act to authorize the re-issue of certain lost school-land warrants,"

And find the same correctly enrolled.

A. ST. C. DENVER, for Committee.

APRIL 8, 1859.

Report accepted.

Mr. McDonald, of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 184, "An Act making appropriations for the deficiencies

in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine."

And find the same correctly enrolled.

McDONALD, for the Committee.

Report accepted.

Further consideration of the substitute offered by Mr. Gregory, for the amendment offered by Mr. Burch, to Senate bill No. 246, "An Act to condemn, and appropriate to the use of the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest."

Pending which, Mr. Redman moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Quinn, and Phelps, and taken, with the following result: ayes, 7—noes, 20:

AYES—Messrs. Allen, Ballou, Griffith, Hamm, Lansing, Price, and Wheeler—7.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Dickinson, Denver, Garter, Gregory, Hart, Holden, Ketcham, McDonald, O'Farrell, Parks, Parker, Phelps, Quinn, Redman, and Titus—20.

So the Senate refused to adjourn.

Further consideration of substitute for the amendment offered by Mr. Burch, for Senate bill No. 246.

Pending which, Mr. Berry moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Anderson, Baker, Ballou, Bradley, and Williams.

Messrs. Anderson, Baker, and Ballou, appearing at the bar of the Senate, were admitted.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

The question recurring on the adoption of the substitute offered by Mr. Gregory, for the amendment of Mr. Burch, the ayes and noes were demanded, by Messrs. Burch, Lansing, and Gregory, and taken, with the following result: ayes, 18—noes, 13:

AYES—Messrs. Allen, Berry, Dent, Denver, Garter, Grant, Gregory, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Merritt, O'Farrell, Price, Quinn, and Wheeler—18.

NOES—Messrs. Anderson, Baker, Ballou, Bradley, Burch, Burton, Dickinson, Kirkpatrick, McDonald, Pacheco, Parks, Parker, and Titus—13.

DECLINED—Messrs. Thom and Phelps.

So the substitute was adopted, in lieu of the amendment offered by Mr. Burch.

Mr. Merritt moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Ballou, and Berry, and taken, with the following result: ayes, 18—noes, 16:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Burton,

Grant, Griffith, Hamm, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Price, Redman, Thom, and Wheeler—18.

Noes—Messrs. Berry, Burch, Dent, Dickinson, Denver, Garter, Gregory, Hart, Holden, Ketcham, Pacheco, Parks, Parker, Phelps, Quinn, and Titus—16.

So the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. Palmer, Secretary of the Senate.

IN SENATE.

Tuesday, April 9, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORTS.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

Mr. President:—Your Committee on Claims, to whom was referred the claim of San Joaquin County, for amounts overpaid in the State treasury, for revenue received in said County, from the year one thousand eight hundred and fifty, to the year one thousand eight hundred and fifty-seven, have had the same under consideration, and report the same back, recommending it be rejected.

GARTER, Chairman.

Report accepted, and placed on file.

On motion of Mr. Garter, the parties representing the County of San Joaquin were allowed to withdraw their papers, etc.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate bill No. 270, entitled "An Act for the relief of F. W. Blake, Wm. B. Olmstead, H W. Anderson, C. P. Rice, and the administrator of John Cole, deceased," have considered the same, and, finding the parties named in the title of the bill, as sureties of C. F. Lynn, Ex-County Treasurer of Trinity County, are justly entitled to the relief provided for, recommend the passage of the bill.

BURCH, Chairman.

Report accepted.

On motion of Mr. Burch, the rules were suspended, and the bill taken up, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands have had under consideration Senate bill No. 250, and I am instructed to report the same back, with the following amendments, and recommend the passage of the bill:

Strike out, from the word "thereon," in the seventh line, and insert "In the payment of lands purchased of this State, by an Act entitled an Act creating a State Land Office, approved April tenth, one thousand eight hundred and fifty-eight, in all cases when the original purchaser has assigned his certificate of purchase, the assignee shall receive a patent for the land designated in said assigned certificates."

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, on the eighth day of April, A. D., one thousand eight hundred and fifty-nine, at four o'clock, P. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 181, "An Act to authorize the re-issue of certain lost school-land warrants."

Also, Senate bill No. 184, "An Act making appropriations for deficiencies in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D., one thousand eight hundred and fifty-nine."

Also, Senate bill No. 243, "An Act to amend an Act entitled an Act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the City and County of San Francisco, passed April twenty-third, one thousand eight hundred and fifty-eight."

BERRY, Chairman.

Report accepted.

Mr. Anderson, of the Committee of Free Conference, made the following report:

To the President of the Senate, and Speaker of the Assembly:

The undersigned, members of the Committee of Free Conference, appointed on behalf of the Senate and Assembly, have had under consideration Senate bill No. 147, "An Act to compensate the Warden of the State-prison," together with the amendments attached to the same by the Assembly.

We find, from the statement of the Governor, and Secretary of State, (see note to page five of the Annual Report of the Board of State-prison Directors, for the year 1858,) that the Hon. Joseph Walkup "*spent his whole time at the Prison*, in discharging the duties of Chief-Warden," and that there are doubts as to whether the compensation allowed by the tenth section of the Act of April twenty-fourth, one thousand eight hundred and fifty-eight, creating the Board of State-prison Directors, can be legally drawn.

We find that the seventy-five dollars per month allowed each of the said Directors, "as a *compensation for their expenses*, as such Directors," has been drawn by each and all of them, and that Lieutenant-Governor Walkup has not received one cent more from the treasury, under said Act, for his own proper use.

We find that, from the adjournment of the Ninth Legislature to the first of January, one thousand eight hundred and fifty-nine, there are two hun-

dred and forty-nine days, and that if the Hon. Joseph Walkup spent the *whole of his time* in the active duties of Agent-in-Chief, at said State-prison, he is at least entitled to compensation for two hundred and twenty-three days, which the bill, before being amended in the Assembly, calls for.

The rate of pay, we consider, was fixed by the Act aforesaid, at ten dollars per day, and was intended as a compensation for his personal attention to matters at the Prison, whether he was sitting as a member of the Board of Directors or not, and without regard to the particular title or style of office he might be designated by, in the books of said Prison, or the Journal of said Board, whether he was called Director, Chief-Warden, or what not.

As it is neither just or desirable for the State to have the services of its citizens without rendering compensation therefor, we return the bill, with the annexed *proviso*, and recommend that the bill, as it originally passed the Senate, be passed, after adding to section one the said proviso:

Provided, That the said Joseph Walkup shall not be allowed any further and additional compensation for services rendered during the year one thousand eight hundred and fifty-eight, either for sitting as a member of the Board of Directors of said Prison, or for services at said Prison.

S. H. PARKER,
JAMES ANDERSON,
Of the Senate.
C. R. STREET,
GEO. N. WHITMAN,
Of the House,
} Com. Free Conference.

Report accepted, and, with bill, placed on file.

Mr. Wheeler, of the Committee on Commerce and Navigation, made the following report:

Mr. President:—The majority of Committee on Commerce and Navigation, to whom was referred Senate bill No. 234, "An Act authorizing the construction of wharves at the foot of certain streets, in the City and County of San Francisco," have had the same under consideration, and report the bill back, recommending its passage.

WHEELER,
HART,
GRIFFITH,
Of Committee.

Senate Chamber, April 9, 1859.

Report accepted, and, with bill, placed on file.

Mr. McDonald, of the Committee on Commerce and Navigation, made the following minority report:

Mr. President:—With all due deference to the opinion of the majority of the Committee on Commerce and Navigation, I can not agree with them in the recommendation that Senate bill No. 234 should pass.

According to the best information that I can obtain, there are already sufficient wharves, and wharf facilities, for all the requirements of commerce, at the Port of San Francisco

The passage of this bill will confer a franchise on private parties, for a term of seventeen years. These franchises always have been, are now,

and probably always will be, if not checked now, the most formidable obstacle to any general system that may be adopted for the improvement of the City front.

The construction of said wharves would produce shoaling of the Bay around them, as other wharves have done, according to the testimony of the most scientific and reliable authority.

For these, and other reasons that might be adduced, I would recommend that the bill be indefinitely postponed.

Respectfully submitted,

J. M. McDONALD,
Minority of Committee.

Report accepted, and placed on file.

Mr. Grant, of the San Francisco delegation, made the following report:

Mr. President:—The delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 299, an Act to amend the seventy-first section of an Act entitled "An Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six, have had the same under consideration, and report the same back, with the accompanying amendments, and recommend that the bill be passed, with the amendments.

GILBERT A. GRANT, for Delegation.

Report accepted.

On motion of Mr. Grant, the rules were suspended, and the bill taken up, amendments reported by the Committee adopted, bill read a third time, and passed.

Mr. O'Farrell, of the Sonoma delegation, made the following report:

Mr. President:—The delegation from the Eleventh District, to whom was referred Assembly bill No. 310, an Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax, for County purposes, has had the same under consideration, and recommends its passage.

O'FARRELL, Senator Eleventh District.

Report accepted.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly bill No. 310, an Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax, for County purposes, was taken up, rules suspended, bill read a third time, and passed.

Mr. Dent, of the San Joaquin delegation, made the following report:

Mr. President:—The San Joaquin delegation, to whom was referred Assembly bill No. 351, an Act to authorize the Board of Supervisors of San Joaquin County to audit a certain claim, have had the same under consideration, and report the bill back, and recommend its passage.

G. W. DENT.

April 9, 1859.

Report accepted.

On motion of Mr. Dent, the rules were suspended, and Assembly bill No. 351, an Act to authorize the Board of Supervisors of San Joaquin

County to audit and allow certain claims, taken up, read a third time, and passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No 249, an Act to empower M. G. Vallejo to convey certain real estate.

Also, Senate bill No. 264, an Act for the relief of Hiram McLaughlin.

Also, Senate Concurrent-Resolution No. 36, relative to Joint-Convention on Wednesday, April thirteenth, one thousand eight hundred and fifty-nine, at one o'clock, P. M., for the purpose of electing Trustees of the Insane Asylum.

BAKER, Chairman.

APRIL 9, 1859.

Report accepted.

Mr. Phelps moved that Senate bill No. 40, an Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco, be taken from unfinished business.

Upon which, the ayes and noes were demanded, by Messrs Parks, Phelps, and Kirkpatrick, and taken, with the following result: ayes, 23—noes, 9:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Dent, Garter, Grant, Gregory, Griffith, Hart, Hamm, Holden, Ketcham, Kirkpatrick, Merritt, O'Farrell Pacheco, Parker, Phelps, Price, Quinn, and Titus—23.

NOES—Messrs. Berry, Burch, Burton, Dickinson, Denver, McDonald, Parks, Redman, and Thom—9.

So the bill was taken up from unfinished business.

On motion of Mr. Griffith, the bill was then made the special order of the day for Wednesday, April thirteenth, at eleven o'clock, A. M.

Mr. Wheeler, of the Sutter and Yuba delegation, made the following report:

MR. PRESIDENT: The delegation from Yuba and Sutter, to whom was referred Senate bill No. 237, an Act to authorize the San Francisco and Marysville Railroad Company to construct and maintain a railroad bridge across Feather River, and for other purposes, having had the same under consideration hereby report it back, and recommend its passage, without amendment.

E. D. WHEELER,
WM. H. PARKS.
ISAAC ALLEN.

Report accepted

On motion of Mr. Parks, the rules were suspended, and the bill was taken up, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Kirkpatrick presented a petition from citizens of Sierra County, against the division of said County.

Which was referred to the Committee on Counties and County Boundaries.

Mr. Griffith presented a petition from citizens of Napa County, against construction of a dam, or lock, in Napa Creek.

Which was referred to the Committee on Commerce and Navigation.

On motion of Mr. Anderson, the rules were suspended, and Senate bill No. 237, "An Act amendatory of an Act entitled an Act concerning corporations," passed May twenty-second, one thousand eight hundred and fifty, was taken from unfinished business, and made the special order of the day for Thursday, April thirteenth, at twelve o'clock, M.

Mr. Dent, of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred

Accounts of Wells, Fargo & Co., for Franks	$25 00
Calaveras Chronicle	18 00
J. J. Rolfe, of Nevada Democrat	15 00
J. J. Rolfe, of Nevada Democrat	3 00
Total	$61 00

Have had the same under consideration, and recommend the passage of the same.

DENT, for Committee.

APRIL 9, 1859.

Report accepted.

On motion of Mr. Burton, the report was taken up, and adopted.

INTRODUCTION OF BILLS.

Mr. Griffith, by unanimous leave, introduced a bill for "An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Phelps, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit the bill to the Assembly

Mr. Ketcham, by leave, introduced a bill for an Act to grant the right to construct a free bridge across the Mokelumne River to certain citizens of Amador and Calaveras Counties.

Which was read first and second times, and referred to the Committee on Roads and Highways.

On motion of Mr. Pacheco, the special order of the day was laid on the table.

On motion of Mr. Allen, the rules were suspended, and Senate bill No. 226, "An Act creating an Insane Asylum at Marysville, in Yuba County," was taken from unfinished business, and made the special order of the the day for Monday, April eleventh, at twelve o'clock, M.

On motion of Mr. Pacheco, the rules were suspended, and Assembly bill No. 241, "An Act to legalize a certain conveyance made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel De Pedrorena, deceased, to José Antonio Aguirre," was taken from file, rules further suspended, bill read a third time, and passed.

Mr. Quinn, by leave, introduced a bill for an Act supplementary to an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Tuolumne, approved March thirty-first, one thousand eight hundred and fifty-nine.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Titus made a verbal report on Senate bill No. 227, an Act for the relief of Otis Brett, recommending its passage.

Bill placed on file.

Mr. Hart, by leave, introduced a bill for an Act to legalize and confirm the election of County Surveyor of Butte County.

Which was read first and second times, and rules further suspended, bill considered engrossed, read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly, this day, passed Assembly bill No. 327, an Act appropriating money for the payment of certain claims.

Also, Assembly bill No. 328, an Act to audit and allow certain claims.

Also, Assembly bill No. 345, an Act to appropriate money to pay F. Castro.

C. GILMAN, Clerk.

April 8, 1859.

Assembly bill No. 327, an Act appropriating money for the payment of certain claims, read first and second times, rules further suspended, bill read a third time, and passed.

Assembly bill No. 328, an Act to audit and allow certain claims, read first and second times, rules further suspended, bill read a third time, and passed.

Assembly bill No. 345, an Act to appropriate money to pay F. Castro, read first and second times, rules suspended, bill read a third time, and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

Mr. President:—The Assemby, on the fifth of April, passed Assembly bill No. 309, an Act to amend an Act entitled an Act to regulate fees in office, in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven.

Also, on the seventh instant, Assembly bill No. 359, an Act to legalize certain acts of the Board of Supervisors of San Bernardino County, acting as a Board of Equalization.

Also, Assembly bill No. 364, an Act supplementary to an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company, approved on the second day of April, one thousand eight hundred and fifty-nine.

And, on yesterday, Assembly bill No. 341, an Act to authorize the issuance of duplicates for certain lost school-land warrants.

Also, Senate bill No. 251, an Act fixing the terms of the County Courts, Probate Courts, and Courts of Sessions, in Counties therein named.

And, Assembly Concurrent-Resolution No. 46, relative to return of Senate bill No. 82.

C. GILMAN, Clerk of Assembly.

April 9, 1859.

Assembly bill No. 309, an Act to amend an Act entitled an Act to regulate fees in office, in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven, read first and second times, and referred to the Senator from that District.

Assembly bill No. 359, an Act to legalize certain acts of the Board of Supervisors of San Bernardino County, sitting as a Board of Equalization, read first and second times, and referred to the Senator from that District.

Assembly bill No. 341, an Act to authorize the issuance of duplicates for certain lost school-land warrants, read first and second times, and placed on file.

Assembly bill No. 364, an Act supplementary to an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company, approved on the second day of April, one thousand eight hundred and fifty-nine, read first and second times, rules further suspended, bill read a third time, and passed.

Assembly Concurrent-Resolution No. 46, "Relative to return of Senate bill No. 82."

On motion of Mr. Berry, the resolution was laid on the table.

On motion of Mr. Griffith, the special order of the day, Assembly bill No. 83, "An Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight," was taken from the table, and considered in Committee of the Whole.

IN SENATE.

Reported back.

Mr. Berry offered a substitute for the bill.

The question being on the adoption of the substitute, the ayes and noes were demanded, by Messrs. Merritt, Bradley, and Burch, and taken, with the following result: ayes, 7—noes, 10:

Ayes—Messrs. Berry, Dickinson, Denver, Holden, O'Farrell, Parks, and Quinn—7.

Noes—Messrs. Anderson, Allen, Bradley, Burton, Garter, Grant, Griffith, Hamm, Phelps, and Titus—10.

No quorum voting.

Mr. Allen moved a call of the Senate.

Lost.

Mr. Merritt moved that the Senate do now adjourn.

Lost.

Mr. Denver moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Baker, Gregory, Ketcham, McDonald, Pacheco, Price, Redman, Thom, and Williams.

Mr. McDonald appearing at the bar of the Senate, was admitted.

On motion of Mr. Ballou, further proceedings under the call were dispensed with.

The question recurring on the adoption of the substitute, in place of the original bill, the ayes and noes having been demanded, were taken, with the following result: ayes, 10—noes, 13:

Ayes—Messrs. Burch, Dickinson, Denver, Holden, Kirkpatrick, McDonald, Merritt, O'Farrell, Parks, and Quinn—10.

Noes—Messrs. Anderson, Allen, Ballou, Berry, Bradley, Burton, Garter, Grant, Griffith, Hart, Lansing, Phelps, and Titus—13.

So the Senate refused to adopt the substitute.

Mr. Burch moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Berry, and Denver, and taken, with the following result: ayes, 12—noes, 14:

Ayes—Messrs. Berry, Burch, Dickinson, Denver, Holden, Kirkpatrick, McDonald, Merritt, O'Farrell, Parks, Quinn, and Redman—12.

Noes—Messrs. Anderson, Allen, Ballou, Bradley, Burton, Dent, Garter, Grant, Griffith, Hart, Lansing, Phelps, Titus, and Wheeler—14.

So the motion for a call of the Senate was lost.

Mr. Berry moved to reconsider the vote by which the Senate refused to adopt the substitute for Assembly bill No. 83.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Merritt, and Berry, and taken, with the following result: ayes, 12—noes, 15:

Ayes—Messrs. Berry, Burch, Dickinson, Denver, Hamm, Holden, Kirkpatrick, McDonald, Merritt, Parks, Quinn, and Redman—12.

Noes—Messrs. Anderson, Allen, Ballou, Bradley, Burton, Dent, Garter, Grant, Griffith, Hart, Lansing, O'Farrell, Phelps, Titus, and Wheeler—15.

So the motion to reconsider the vote by which the Senate refused to adopt the substitute, was lost.

The question being on ordering the bill read a third time—

Mr. Griffith moved the previous question.

Which was not seconded.

The question recurring upon reading the bill a third time, the ayes and noes were demanded, by Messrs. Burch, Berry, and Merritt, and taken, with the following result: ayes, 16—noes, 14:

Ayes—Messrs. Anderson, Allen, Ballou, Bradley, Burton, Garter, Grant, Griffith, Hart, Hamm, Lansing, Phelps, Thom, Titus,and Wheeler—15.

Noes—Messrs. Berry, Burch, Dickinson, Denver, Holden, Ketcham, Kirkpatrick, McDonald, Merritt, O'Farrell, Parks, Price, Quinn, and Redman—14.

So the bill was ordered read a third time.

The bill was then read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Berry, Hart, and Griffith, and taken, with the following result: ayes, 11—noes, 16:

Ayes—Messrs. Anderson, Allen, Bradley, Burton, Garter, Grant, Hart, Lansing, Parker, Phelps, and Titus—11.

Noes—Messrs. Ballou, Berry, Burch, Dent, Dickinson, Denver, Greg-

ory, Griffith, Holden, Kirpatrick, McDonald, Merritt, O'Farrell, Parks' Quinn, and Redman—16.

So the Senate refused to pass the bill.

Mr. Ballou gave notice that he would, on Monday, April eleventh, move a reconsideration of the vote just taken.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 9, 1859.

To the Senate of California:

I have to inform your honorable body that I, this day, approved an Act making appropriations for deficiencies in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine.

JOHN B. WELLER.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, this day, passed, with amendments, Senate bill No. 189, an Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, one thousand eight hundred and fifty-seven, and of an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight.

Also, Senate bill No. 196, an Act for the relief of William A. King, County Treasurer of Mariposa County.

Also, Senate bill No. 208, an Act to appropriate money for the relief of certain persons.

Also, Senate bill No. 252, an Act relating to the office of Sheriff, in the County of San Mateo;

And Assembly bill No. 355, an Act amendatory of, and supplementary to, an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty seven.

C. GILMAN, Clerk.

APRIL 9, 1859.

Senate bill No. 189, "An Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, A. D., one thousand eight hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-fifth, one thousand eight hundred and fifty-eight"—amendments of Assembly concurred in.

Assembly bill No. 335, "An Act amendatory of, and supplementary to, an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven," read first and second times, and referred to the San Francisco and San Mateo delegation.

FURTHER SPECIAL ORDER OF THE DAY.

Senate Memorial No. 5, "Asking Congress to pass a law authorizing the construction of a Pacific Railroad; also, asking for a grant of land, to assist in the construction of railroads in this State," taken up, and, on motion of Mr. Holden, made the special order of the day for Monday, April eleventh, at twelve o'clock, M.

REPORTS.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 270, "An Act for the relief of F. W. Blake, W. B. Olmstead, H. W. Anderson, C. P. Rice, and the Administrator of John Cole, deceased," and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 82, "An Act making certificates of purchase, or of location, evidence of title," and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom was referred resolution instructing Committee on Contingent Expenses to audit account of Sergeant-at-Arms, for making arrests, have had the same under consideration, and recommend its adoption.

C. J. LANSING, Chairman.

Report accepted, and placed on file.

On motion of Mr. Gregory, the rules were suspended, and Senate bill No. 269, an Act supplemental to an Act concerning Sheriffs, was taken from file, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Quinn, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

MONDAY, April 11, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journals of Saturday read and approved.

On motion of Mr. Ballou, leave of absence was granted to Mr. Hart, for one day.

On motion of Mr. Quinn, leave of absence was granted to Messrs. Hamm and Merritt, for one day.

On motion of Mr. Thom, leave of absence was granted to Mr. Pacheco, for one day.

On motion of Mr. Lansing, leave of absence was granted to Mr. Griffith, for one day.

On motion of Mr. Dickinson, leave of absence was granted to Messrs. Baker, O'Farrell, Price, and Williams, for one day.

REPORTS.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 90, an Act to provide for improving Navarra River, have had the same under consideration, and have instructed me to report the bill back, without recommendation.

J. M. McDONALD, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant made a minority verbal report on Assembly bill No. 90, an Act to provide for improving Navarra River, recommending its passage.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate bill No. 238, an Act to authorize the administrator of Juan Antonio Vallejo, deceased, and others, to sell real estate of the intestate, at private sale.

Also, Senate bill No. 263, an Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe fifty thousand dollars, to the capital stock of the San Francisco and Marysville Railroad Company, and other matters thereto relating.

And find the same correctly engrossed.

I. S. TITUS, for Committee.

Report accepted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate substitute for Assembly bill No. 108, an Act to provide for the compensation of the Keeper of the Jail, in the County of Shasta, and to legalize all warrants heretofore issued for the payment of the services of the Keeper of said Jail.

Also, Senate bill No. 143, an Act amendatory of an Act entitled "An Act to regulate fees in office, in certain Counties of this State."

Also, Senate bill No. 156, an Act to authorize District Judges, in certain cases, to sign records and settle statements.

Also, Senate bill No. 166, an Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State.

Also, Senate bill No. 171, an Act to amend section five hundred and

nine of an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State."

Also, Senate bill No. 183, an Act to provide for the payment of fees and costs in civil actions, by and against Counties.

Also, Senate substitute for Assembly bill No. 184, an Act to amend an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund."

Also, Senate bill No. 196, an Act for the relief of Wm. A. King, County Treasurer of Mariposa County.

Also, Senate bill No. 210, an Act to provide for settling the boundary-line between the Counties of Yuba and Butte.

Also, Senate bill No. 233, an Act to fix the terms of the County Court, and Court of Sessions, of the County of El Dorado.

Also, Senate bill No. 251, an Act to fix the terms of the County Courts, Probate Courts, and Courts of Sessions, in Counties therein named.

Also, Senate bill No. 252, an Act relating to the office of Sheriff, in the County of San Mateo.

Also, Senate Concurrent-Resolution No. 30, relative to commencing suit against S. A. McMeans, late State Treasurer, and sureties.

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

FURTHER REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 208, an Act to appropriate money for the relief of certain persons, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Phelps, of the Commmittee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—Your Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 257, an Act to create the County of Mokelumne, and to provide for its organization, have had the same under consideration, and report the bill back, without recommendation as to its passage. The Committee report sundry amendments to the bill, the adoption of which they recommend in case the bill does pass.

PHELPS, for the Committee.

Report accepted, and, with bill, made special order for Tuesday, April twelfth, at twelve, M.

Mr. Berry, of a Special Committee, made the following report:

MR. PRESIDENT:—Your Committee, consisting of the delegations from the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, to whom was referred Assembly bill No. 305, an Act concerning roads and highways, in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, beg leave to report the same back, and recommend its passage.

BERRY,
QUINN,
BALLOU,
DENT.

Report accepted.

On motion of Mr. Quinn, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Berry, of a Special Committee, made the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Assembly bill No. 354, an Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization, approved March second, one thousand eight hundred and fifty-seven, begs leave to report the same back, and recommend the indefinite postponement thereof.

BERRY.

Report accepted, and, with bills, placed on file.

Mr. Allen, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage, to whom was referred Assembly bill No. 340, an Act to amend an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and State-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight, have had the same under consideration, and beg leave to report it back, and recommend its passage, with the following additional section:

SEC. 2. Section thirty-seven of said Act is amended so as to read as follows:

Section thirty-seven—From the County-seat of Stanislaus County to Sacramento, one hundred miles; to Stockton, fifty-five miles; to San Quentin, one hundred and eighty-five miles.

ISAAC ALLEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Redman, of the Santa Clara delegation, made the following report:

MR PRESIDENT:—The delegation from the Fourth Senatorial District, to whom was referred Assembly bill No. 352, entitled "An Act to fix the salary of the County Judge of Alameda County," begs leave to report the same back, and recommend its passage.

R. S. REDMAN.

Report accepted.

On motion of Mr. Redman, the rules were suspended, and the bill just reported was taken up, rules further suspended, bill read a third time, and passed.

On motion of Mr. Lansing, the rules were suspended, and the resolution relative to auditing the accounts of the Sergeant-at-Arms," was taken up, and adopted

On motion of Mr. Gregory, the rules were suspended, and Senate bill No. 234, "An Act authorizing the construction of wharves at the foot of certain streets, in the City and County of San Francisco," was made the special order of the day for Tuesday, April twelfth, at twelve o'clock, M.

On motion of Mr. Phelps, the rules were suspended, and Senate bill No. 266, "An Act supplementary to an Act entitled an Act concerning crimes and punishments," was taken from file, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Anderson, the rules were suspended, and the report

of the Committee of Free Conference, relative to Senate bill No. 147, "An Act to compensate the Warden of the State-prison," was taken from file.

The question being on the adoption of the report, the ayes and noes were demanded, by Messrs. Burch, Anderson, and Quinn, and taken, with the following result: ayes, 19—noes, 1:

AYES—Messrs. Anderson, Allen, Burch, Burton, Dent, Dickinson, Denver, Grant, Gregory, Ketcham, Kirkpatrick, Lansing, McDonald, Parks, Parker, Phelps, Quinn, Redman, and Thom—19.

NOES—Messrs. Berry—1.

So the report of the Committee was adopted.

Mr. Dent, by leave, introduced a bill for an Act to authorize the parties therein named, to construct and maintain a wharf."

Which was read first and second times, and referred to Committee on Commerce and Navigation.

On motion of Mr. Phelps, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary was directed to immediately transmit, to the Assembly, Senate bill No. 266, "An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty."

MESSAGE FROM ASSEMBLY.

The following message was received from the Assembly:

Mr. PRESIDENT:—The Assembly, on Saturday, concurred in Senate Concurrent-Resolution No. 36, relative to Joint-Convention on Wednesday, April thirteenth, one thousand eight hundred and fifty-nine, for the purpose of electing Trustees of the Insane Asylum.

Also, concurred in Senate amendments to Assembly bill No. 58, an Act to provide for the licensing of auctioneers, and to define their duties and liabilities.

Also, Assembly bill No. 299, an Act to amend the seventy-first section of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six.

Also, passed, with amendments, Senate bill No. 134, an Act for the establishment and erection of a State Reform School, and ask the concurrence of the Senate.

Also, passed Senate bill No. 225, an Act to authorize the Weaverville and Shasta Wagon-Road Company to file certain papers, *nunc pro tunc*.

And, also, Senate bill No. 244, an Act to change the name of Julien Neuschwander.

C. GILMAN, Clerk.

APRIL 11, 1859.

Senate bill No. 134, "An Act for the establishment of a State Reform School"—the question being on concurring in the Assembly amendments, the ayes and noes were demanded, by Messrs. Bradley, Anderson, and Quinn, and taken, with the following result: ayes, 11—noes, 10:

AYES—Messrs. Ballou, Bradley, Burch, Burton, Dent, Gregory, Ketcham, Parks, Parker, Phelps, and Quinn—11.

NOES—Messrs. Anderson, Allen, Berry, Dickinson, Denver, Lansing, McDonald, Redman, Thom, and Wheeler—10.

DECLINED—Mr. Garter declined to vote.

So the Senate concurred in the Assembly amendments.

Mr Ballou, pursuant to notice given on Saturday, moved to reconsider the vote by which the Senate, on Saturday, refused to pass Assembly bill No. 83, "An Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight.

Mr. Burch moved to make the motion to reconsider, the special order of the day for Tuesday, April twelfth, at eleven o'clock, A. M..

Upon which, the ayes and noes were demanded, by Messrs. Denver, Ballou, and Burch, and taken, with the following result: ayes, 14—noes, 8:

AYES—Messrs. Berry, Burch, Dent, Dickinson, Denver, Garter, Holden, Kirkpatrick, McDonald, Parks, Quinn, Redman, Thom, and Wheeler—14.

NOES—Messrs. Anderson, Allen, Ballou, Bradley, Burton, Grant, Parker, and Phelps—8.

So the motion to reconsider was made the special order of the day for Tuesday, April twelfth, at eleven o'clock, A. M.

GENERAL FILE.

Senate bill No. 236, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada, by way of the Indian Valley, and Honey-Lake Route," was laid on the table.

Senate bill No. 198, "An Act to prohibit the adulteration of wines and liquors," was indefinitely postponed.

Assembly bill No. 131, "An Act to prohibit gaming," was indefinitely postponed.

Mr. Holden gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Assembly bill No. 31, "An Act to separate the office of Collector of Taxes from the office of Sheriff, of the County of Amador," laid on table.

Senate bill No. 230, "An Act to authorize the issuance of duplicates of certain lost State bonds"—rules suspended, bill considered engrossed, read a third time, and passed.

Senate bill No. 200, "An Act to provide for a more thorough distribution of the Laws of this State"—considered in Committee of the Whole.

IN SENATE.

Reported back, and further consideration of the bill postponed until Tuesday, April twelfth, at half-past eleven o'clock, A. M.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 11, 1859.

MR. PRESIDENT:—The Assembly, on Saturday, April ninth, passed Assembly bill No. 245, "An Act to authorize the Board of Supervisors of Yuba County o levy a special tax, for County purposes."

Also, "Assembly bill No. 347, "An Act to authorize the sale of the real estate of the late William E. P. Hartnell, deceased."

Also, Assembly bill No. 319, "An Act to authorize the sale of real estate, and the transfer of school-warrants belonging to the estate of Peter Tracy, deceased."

Also, Assembly bill No. 343, "An Act to appropriate money to pay Francis Crussel."

Also, Assembly bill No. 348, "An Act amendatory of an Act entitled an Act amendatory of, and suplementary to, an Act entitled an Act to incorporate the City of Marysville, approved March third, one thousand eight hundred and fifty-seven," approved April twenty-fifth, one thousand eight hundred and fifty-seven.

Also, Assembly bill No. 303, an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty.

Also, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Los Angeles County to contract a loan, for the purpose of erecting a Court-house, and completing the same, approved April twenty-first, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 323, an Act making certain animals property.

Also, Assembly bill No. 276, an Act to establish the rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles to land.

Also, Assembly bill No. 280, an Act supplementary to an Act entitled an Act concerning marks and brands, passed May first, one thousand eight hundred and fifty-one.

Also, Assembly bill No. 369, an Act to fix the time of holding the Court of Sessions, and County Court, in the County of Solano.

C. GILMAN, Clerk.

Assembly bill No. 245, "An Act to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes," read first and second times, and referred to the Yuba delegation.

Assembly bill No. 349, "An Act to authorize the sale of real estate of the late Wm. E. P. Hartwell, deceased," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 319, "An Act to authorize the sale of real estate and the transfer of school warrants, belonging to the estate of Peter Tracy, deceased," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 343, "An Act to appropriate money to pay Francis Crussel," read first and second times, rules further suspended, bill read a third time, and passed.

Assembly bill No. 348, "An Act amendatory of an Act entitled an Act amendatory of, and supplementary to, an Act entitled an Act to incorporate the City of Marysville, approved March third, one thousand eight hundred and fifty-seven, approved April twenty-fifth, one thousand eight hundred and fifty-seven," read first and second times, and referred to the delegation from Yuba.

Assembly bill No. 303, "An Act to amend an Act defining the time for

commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 360, "An Act to amend an Act entitled an Act authorizing the Board of Supervisors of Los Angeles County to contract a loan, for the purpose of erecting a Court-house, and completing the same, approved April twenty-first, one thousand eight hundred and fifty-eight," read first and second times, rules suspended, bill read a third time, and passed.

Assembly bill No. 323, "An Act making certain animals property," read first and second times.

Mr. Burton moved to refer the bill to the Committee on Agriculture.

Upon which, the ayes and noes were demanded, by Messrs. Burton, Burch, and Berry, and taken with the following result: ayes, 12—noes, 9:

Ayes—Messrs. Ballou, Burton, Dent, Dickinson, Holden, Kirkpatrick, Lansing, McDonald, Parks, Phelps, Quinn, and Titus—12.

Noes—Messrs. Anderson, Allen, Berry, Burch, Carter, Gregory, Parker, Redman, and Wheeler—9.

So the bill was referred to the Committee on Agriculture.

Assembly bill No. 276, "An Act to establish the rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles to land," read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 280, "An Act supplementary to an Act entitled an Act concerning marks and brands, passed May first, one thousand eight hundred and fifty-one," read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 369, "An Act fixing the time of holding the Court of Sessions, and County Courts, in the County of Solano," read first and second times, and referred to the Senator from that District.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, April 11, 1859.

To the Senate of California:

I have to inform your honorable body that I have, to-day, approved "An Act to amend an Act entitled an Act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the City and County of San Francisco, passed April twenty-third, one thousand eight hundred and fifty-eight;"

Also, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River:"

Also, "An Act to authorize the re-issue of certain lost school-land warrants;"

Also, "An Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and for other purposes;"

Also, "An Act for the settlement of the estate of William Knight, deceased."

JOHN B. WELLER.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,
Sacramento, April 11, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim, which has been passed upon by the Board of Examiners, and allowed, together with the papers and opinion of the Board:

Claim of Wm. Grove Deal *v.* The State, for $2,801 00.

JOHN B. WELLER,
President Board of Examiners.

Message, with accompanying papers, referred to the Committee on Claims.

On motion of Mr. Bradley, B. F. Marshall was allowed to withdraw the papers accompanying his claim against the State.

SPECIAL ORDER OF THE DAY.

Senate Joint-Resolution No. 28, "relative to the survey of the mineral lands within this State," taken up, and made the special order of the day for Tuesday, April twelfth, at twelve o'clock, M.

FURTHER SPECIAL ORDER.

Senate Memorial No. 5, asking Congress to pass a law authorizing the construction of a Pacific Railroad; also, asking for a grant of land to aid in the construction of railroads in this State," was taken up.

And, on motion of Mr. Anderson, made the special order of the day, with Senate Concurrent-Resolution No. 39, "asking Congress to donate to this State ten millions acres of arable land, in aid of a State Internal Improvement Fund," for Tuesday, April twelfth, at half-past twelve o'clock, P. M.

FURTHER SPECIAL ORDER.

Senate bill No. 226, "An Act creating an Insane Asylum at Marysville, in Yuba County," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, ordered to be engrossed, and read a third time.

FURTHER REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 189, "An Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, and of an Act amendatory thereto."

Also, Senate bill No. 225, "An Act to authorize the Weaverville and Shasta Wagon-road Company to file certain papers, *nunc pro tunc*."

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

GENERAL FILE RESUMED.

President *pro tem.* in the Chair.

Assembly bill No. 289, "An Act to exempt the estate of Charles Evans, deceased, from the process of administration," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and passed.

Mr. Kirkpatrick moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Denver, Berry, and Titus, and taken, with the following result: ayes, 13—noes, 9:

AYES—Messrs. Anderson, Allen, Bradley, Burch, Gregory, Holden, Ketcham, Kirkpatrick, Parks, Quinn, Redman, Thom, and Wheeler—13.

NOES—Messrs. Ballou, Berry, Burton, Dickinson, Denver, Lansing, Parker, Phelps, and Titus—9.

So the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

TUESDAY, April 12, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

PETITIONS.

Mr. Redman presented a petition from citizens of Santa Clara County, relative to the public lands in said County.

Which was laid on the table.

Mr. Redman presented a memorial from Lewis Shearer, relative to the purchase of the Supreme Court Reports, etc.

Which was referred to the Judiciary Committee.

REPORTS.

Mr. Garter, Chairman of the Committee on Claims, made the following eport:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of H. I. Taylor, for arms and ammunition furnished the State-prison in the month of October, one thousand eight hundred and fifty-five.

And the claim of Britton & Rey, for engraving State bonds, and printing Controller's warrants, in the year one thousand eight hundred and fifty-six.

And the claim of C. C. Breyfogle, Assessor of Alameda County, for poll-tax receipts paid by him, same having been mislaid, but now returned.

And the claim of M. Healy, for services as Matron, in the Insane Asylum, in the month of March, one thousand eight hundred and fifty-eight.

Have had the same under consideration, report the same back, with the accompanying bills, and recommend their passage.

Also, claim of E. R. Campbell, for his salary as Registrar, in the year one thousand eight hundred and fifty-eight, report it back, and recommend it be rejected.

E. GARTER, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Phelps, Chairman of the Committee on Roads and Highways, made the following report:

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Senate bill No. 275, an Act to grant the right to construct a foot-bridge across the Mokelumne River, to certain citizens of Amador and Calaveras Counties, have had the same under consideration, and report the bill back, and recommend its passage.

PHELPS, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant, Chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT:—The Committee on Internal Improvements have had under consideration Senate bill No. 182, an Act to enable the California Great Trunk of the Pacific and Atlantic Railroad Company to build and equip a railway from the City of San Francisco to the eastern boundary of the State.

And, also, Senate bill No. 234, an Act granting the right of way for the Atlantic and Pacific Railroad and Telegraph from San Francisco, California, to the eastern boundary-line of the State, and authorizing the State guaranty of interest on bonds issued by any Company constructing the said Railroad and Telegraph.

And now report said bills back to the Senate.

In making this report, your Committee would take occasion to say that while they believe in the propriety and expediency of loaning the credit of the State to aid in the construction of a Continental Railway, and while they approve of the general features of the Senate bill No. 254, a majority of the Committee are indisposed to press the consideration of either bill upon the Senate, at this late day in the session.

GILBERT A. GRANT, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 244, an Act to change the name of Julien Neuschwander, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

President *pro tem.* in Chair.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 278, an Act to authorize the parties therein named to construct and maintain a wharf, have had the same under consideration, and report it back, with amendments, and recommend its passage, as amended.

McDONALD, Chairman.

Report accepted.

On motion of Mr. Dent, the rules were suspended, and the bill just reported was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Phelps, of the San Francisco delegation, made the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 335, an Act amendatory of, and supplementary to, an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, A. D., one thousand eight hundred and fifty-seven, have had the same under consideration, and report the bill back, without amendment, and recommend its passage.

PHELPS, for the Delegation.

Report accepted.

On motion of Mr. Phelps, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Burton presented certain newspaper accounts, which were referred to the Committee on Contingent Expenses.

Mr. Thom, of a Committee of Free Conference, of part of the Senate, made the following report:

MR. PRESIDENT:—Your Committee of Free Conference, to whom was referred Assembly bill No. 35, an Act to grant the right to construct a a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named, have had the same under consideration, and beg leave to report the bills back, and recommend that the Senate concur in Assembly amendments.

By order of Committee,

THOM, Chairman Senate Committee.

Report accepted.

On motion of Mr. Thom, the rules were suspended, and the report of

the Committee of Free Conference, just read, was taken up, and adopted.

Mr. Thom, of the Los Angeles delegation, made a verbal report on Assembly bill No. 359, an Act to legalize certain acts of the Board of Supervisors of San Bernardino County, sitting as a Board of Equalization, recommending its passage.

On motion of Mr. Thom, the rules were suspended, and the bill just reported was taken up, read third time, and passed.

President in the Chair.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

Mr. President:—Your Committee on Engrossed Bills have examined:

Senate bill No. 230, an Act to authorize the issuance of duplicates of certain lost State Bonds;

Also, Senate bill No. 269, an Act supplemental to an Act concerning Sheriffs;

Also, Senate bill No. 273, an Act to authorize the San Francisco and Marysville Railroad Company to construct and maintain a railroad bridge across Feather River, and for other purposes;

Also, Senate bill No. 276, an Act supplementary to an Act fixing the time of holding the Courts of Sessions, and County Courts, in the County of Tuolumne, approved March thirty-first, one thousand eight hundred and fifty-nine;

Also, Senate bill No. 277, an Act to legalize and confirm the election of County Surveyor of Butte county;

And find the same correctly engrossed.

I. S. TITUS, for the Committee.

Report accepted.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

Office of Board of Examiners,
Sacramento, April 11, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim, which has been passed upon and allowed by the Board of Examiners, together with the papers and opinion of the Board, to wit:

Claim of B. Frankrenrimer *vs.* The State, for one hundred and five dollars.

JOHN B. WELLER,
President of the Board of Examiners.

Communication, with accompanying papers, referred to the Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly, this day, concurred in Senate amendments to Assembly bill No. 163, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed

lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight.

Also, passed Assembly Joint-Resolution No. 45, relative to cession of lands by the General Government.

Also, Assembly bill No. 273, an Act to encourage the supply of fresh water on the Desert, west of Fort Yuma.

Also, Senate bill No. 107, an Act defining the duties of the Surveyor-General of this State, in relation to swamp and overflowed lands.

Also, Senate bill No. 167, an Act concerning roads and highways in the City and County of San Francisco.

C. GILMAN, Clerk.

APRIL 11, 1859.

Assembly Joint-Resolution relative to cession of lands by the General Government, read first and second times, and referred to the Committee on Federal Relations.

Assembly bill No. 273, an Act to encourage the supply of fresh water on the Desert, west of Fort Yuma, read first and second times, rules further suspended, and considered in Committee of the Whole.

IN SENATE.

Reported back, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Denver, Gregory, and Dickinson, and taken, with the following result: ayes, 19—noes, 8:

AYES—Messrs. Allen, Baker, Ballou, Burch, Burton, Dent, Garter, Grant, Holden, Ketcham, Kirkpatrick, Lansing, Merritt, Parker, Phelps, Price, Redman, Thom, and Titus—19.

AYES—Messrs. Berry, Bradley, Dickinson, Denver, Gregory, Hamm, McDonald, and Parks—8.

DECLINED—Messrs. Anderson, Griffith, O'Farrell, Quinn, and Wheeler, declined to vote.

So the bill passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, concurred in Senate amendments to Assembly bill No. 264, an Act to regulate the fees of certain officers, witnesses, and jurors, in the County of El Dorado.

Also, passed Senate bill No. 263, an Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters thereto relating.

Also, Assembly bill No. 377, an Act to authorize the State Controller to draw warrants upon the treasury, in favor of assignees, in certain cases.

Also, on the seventh of April, Assembly bill No. 256, an Act to amend an Act entitled an Act to reincorporate the City of Sonora, approved March ninth, one thousand eight hundred and fifty-five.

Also, on the ninth of April, adopted Assembly Concurrent-Resolution No. 41, relative to Chinese immigration.

C. GILMAN, Clerk.

APRIL 12, 1859.

FURTHER SPECIAL ORDER.

Senate bill No. 200, an Act to provide for a more thorough distribution of the Laws of this State, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Phelps, Gregory, and Lansing, and taken, with the following result: ayes, 16—noes, 9:

AYES—Messrs. Anderson, Baker, Ballou, Berry, Burch, Dent, Garter, Grant, Griffith, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, and Price—16.

NOES—Messrs. Burton, Denver, Gregory, O'Farrell, Parks, Phelps, Quinn, Redman, and Wheeler—9.

So the bill passed.

Mr. Lansing gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

FURTHER SPECIAL ORDER.

Assembly bill No. 377, an Act to authorize the State Controller to draw warrants upon the treasury, in favor of assignees, in certain cases, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 256, an Act to amend an Act entitled an Act to reincorporate the City of Sonora, approved March ninth, one thousand eight hundred and fifty-five, read first and second times, and referred to the delegation from Tuolumne County.

Mr. Holden, pursuant to notice given on yesterday, moved to reconsider the vote by which the Senate indefinitely postponed Assembly bill No 131, an Act to prohibit gaming.

Upon which, the ayes and noes were demanded, by Messrs Dickinson, Phelps, and Parker, and taken, with the following result: ayes, 16—noes, 10:

AYES—Messrs. Anderson, Allen, Bradley, Burch, Dent, Denver, Garter, Gregory, Griffith, Hamm, Holden, Kirkpatrick, O'Farrell, Price, Quinn, and Redman—16.

NOES—Messrs. Baker, Berry, Burton, Lansing, McDonald, Pacheco, Parks, Parker, Phelps, and Titus—10.

So the vote by which the bill was indefinitely postponed, was reconsidered.

FURTHER REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT:—Your Committee on Enrolled Bills, on yesterday,

at eleven o'clock, A. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 82, an Act making certificates of purchase or of location, evidence of title.

Also, Senate substitute for Assembly bill No. 108, an Act to provide for the compensation of the Keeper of the Jail, in the County of Shasta, and to legalize all warrants heretofore issued for the payment of the services of the Keeper of said Jail.

Also, Senate bill No. 143, an Act amendatory of an Act entitled an Act to regulate fees in office in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven.

Also, Senate bill No. 156, an Act to authorize District Judges, in certain cases, to sign records and settle statements.

Also, Senate bill No. 166, an Act recommending to the electors of the State to vote for against a Convention to revise and change the Constitution of this State.

Also, Senate bill No. 171, an Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in the Courts of Justice of this State.

Also, Senate bill No. 183, an Act to provide for the payment of fees and costs in civil actions, by and against Counties.

Also, Senate substitute for Assembly bill No. 184, an Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund.

Also, Senate bill No. 196, an Act for the relief of Wm. A. King, County Treasurer of Mariposa County.

Also, Senate bill No. 208, an Act to appropriate money for the relief of certain persons.

Also, Senate bill No. 210, an Act to provide for settling the boundary-line between the Counties of Yuba and Butte.

Also, Senate bill No. 233, an Act to fix the terms of the County Court, and Court of Sessions, of the County of El Dorado.

Also, Senate bill No. 251, an Act fixing the terms of the County Courts, Probate Courts, and Courts of Sessions, in Counties therein named.

Also, Senate bill No. 252, an Act relating to the office of Sheriff, in the County of San Mateo.

And, to-day, at eleven o'clock, A. M., presented Senate bill No. 189, an Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, A. D. one thousand eight hundred and fifty-seven, and an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight.

Also, Senate bill No. 225, an Act to authorize the Weaverville and Shasta Wagon-Road Company, to file certain papers *nunc pro tunc*.

Also, Senate bill No. 244, an Act to change the name of Julien Neuschwander.

BERRY, Chairman.

Report accepted.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 83, an Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight—

The question being on the motion to reconsider the vote by which the

AYES—Messrs. Anderson, Baker, Burton, McDonald, O'Farrell, Parks, Phelps, Quinn, and Redman—9.

NOES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Dent, Garter, Grant, Gregory, Griffith, Hamm, Holden, Ketcham, Lansing, Merritt, Price, Thom, Titus, and Wheeler—19.

So the motion to indefinitely postpone was lost.

The bill was then considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Anderson, Lansing, and Parks, and taken, with the following result: ayes, 15—noes, 7:

AYES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Dent, Griffith, Hamm, Holden, Ketcham, Lansing, Merritt, Phelps, Price, and Wheeler—15.

NOES—Messrs. Anderson, Baker, Burton, McDonald, O'Farrell, Parks, and Redman—7.

So the bill passed.

Mr. Phelps gave notice that he would, on to-morrow, move for a reconsideration of the vote just passed.

Mr. Ketcham, by leave, introduced a bill for "An Act fixing the time at which the County officers of Amador County shall be elected."

Which was read first and second times, rules further suspended, bill considered engrossed, read third time, and passed.

FURTHER SPECIAL ORDER.

Senate Memorial No. 5, "Asking Congress to pass a law authorizing the construction of a Pacific Railroad; also, asking for a grant of land to aid in the construction of railroads in this State," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, considered engrossed, and read a third time.

The question being on the passage of the Memorial, the ayes and noes were demanded, by Messrs. Lansing, Burton, and Holden, and taken, with the following result: ayes, 21—noes, 3:

AYES—Messrs. Anderson, Allen, Baker, Bradley, Burch, Dent, Dickinson, Denver, Garter, Hamm, Holden, Kirkpatrick, McDonald, O'Farrell, Parks, Phelps, Price, Quinn, Redman, Thom, and Titus—21.

NOES—Messrs. Berry, Burton, and Lansing—3.

DECLINED—Mr. Ballou.

So the Memorial passed.

FURTHER SPECIAL ORDER.

Senate Joint-Resolution No. 28, "Relative to the survey of the mineral lands within this State," taken up, and made the special order of the day for Wednesday, April thirteenth, at twelve o'clock, M.

Mr. Titus of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 226, "An Act creating an Insane Asylum at Marysville, in Yuba County," and find the same correctly engrossed.

I. S. TITUS, for the Committee.

Report accepted, and, with bill, placed on file.

FURTHER SPECIAL ORDER OF THE DAY.

Mr. Burch in the Chair.

Senate Concurrent-Resolution No. 34, "Asking Congress to donate to this State ten million acres of arable land, in aid of a State Internal Improvement Fund," considered in Committee of the Whole.

IN SENATE.

Reported back.

The question being on the adoption of the resolution, the ayes and noes were demanded, by Messrs. Lansing, Burton, and Holden, and taken, with the following result: ayes, 14—noes, 10:

AYES—Messrs. Allen, Berry, Bradley, Dent, Denver, Griffith, Hamm, Holden, Kirkpatrick, Parks, Parker, Phelps, Quinn, and Wheeler—14.

NOES—Messrs. Anderson, Baker, Burch, Burton, Garter, Lansing, O'Farrell, Pacheco, Price, and Redman—10.

So the resolution was adopted.

Mr. Holden gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Griffith gave notice that he would, on to-morrow, move for a reconsideration of the vote on Senate Memorial No. 5, "Asking Congress to pass a law authorizing the construction of a Pacific Railroad; also, asking for a grant of land to aid in the construction of railroads in this State," which passed the Senate this day.

FURTHER SPECIAL ORDER.

President in the Chair.

Assembly bill No. 257, "An Act to create the County of Mokelumne, and to provide for its organization," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments of Committee concurred in.

Mr. McDonald moved to strike out all after the words, "after having deducted," in the thirteenth section, up to the proviso in same section.

Upon which, the ayes and noes were demanded, by Messrs Parks,

Dent, and Bradley, and taken, with the following result: ayes, 5—noes, 16:

AYES—Messrs. Anderson, Baker, McDonald, O'Farrell, and Price—5.

NOES—Messrs. Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Griffith, Holden, Kirkpatrick, Lansing, Pacheco, Parks, Parker, Phelps, and Quinn—16.

So the amendment was lost.

Mr. McDonald moved to strike out "six per cent.," in the thirteenth section, and insert "ten per cent."

Which was lost.

Mr. Redman moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Dickinson, and Bradley, and taken, with the following result: ayes, 14—noes, 10:

AYES—Messrs. Anderson, Baker, Berry, Bradley, Burton, Dent, Dickinson, Kirkpatrick, Lansing, McDonald, O'Farrell, Price, Quinn, and Redman—14.

NOES—Messrs. Ballou, Burch, Denver, Griffith, Hamm, Holden, Ketcham, Parks, Parker, and Wheeler—10.

DECLINED—Mr. Allen.

So the bill was indefinitely postponed.

Mr. Bradley gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

On motion of Mr. Griffith, the rules were suspended, and Senate bill No. 211, "An Act appropriating money for the benefit of certain Orphan Asylums in this State," was taken from file, and made the special order of the day for Wednesday, April thirteenth, at half-past ten o'clock A. M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 12, 1859.

To the Senate of California:

I have to inform your honorable body that I have, to-day, approved an Act "to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one."

Also, an Act "recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State."

Also, an Act "amendatory of an Act entitled an Act to regulate fees in office, in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven."

Also, an Act "to authorize District Judges, in certain cases, to sign records and settle statements."

Also, an Act "to appropriate money for the relief of certain persons."

Also, an Act "to amend an Act entitled an Act to authorize the Treas-

urer of the City and County of San Francisco to pay certain demands on the School Fund."

Also, an Act "to provide for the payment of fees and costs in civil actions, by and against Counties."

Also, an Act "to provide for the compensation of the Keeper of the County-jail, in the County of Shasta, and the payment for such services in past years."

Also, an Act "to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one."

Also, an Act "to provide for settling the boundary-line between the Counties of Yuba and Butte."

Also, an Act "fixing the terms of the County Court, Probate Court, and Court of Sessions, in Counties therein named."

Also, an Act "to fix the terms of the County Court, and Court of Sessions, of the County of El Dorado."

JOHN B. WELLER.

President in the Chair.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,
April 12, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim, which has been passed upon, and disapproved, by the Board of Examiners, together with the papers and opinion of the Board in said claim, to wit:

Claim of John Perry, jr., *v.* The State.

JOHN B. WELLER,
President Board of Examiners.

Communication, with accompanying papers, referred to Committee on Claims.

FURTHER MESSAGE FROM THE BOARD OF EXAMINERS.

OFFICE BOARD OF EXAMINERS,
Sacramento, April 11, 1859.

To the Senate of California:

I herewith transmit, to your honorable body, a claim, which has been disapproved by the Board of Examiners, together with the papers and opinion of the Board.

Claim of D. L. Mulford *v.* The State.

JOHN B. WELLER,
President Board of Examiners.

Communication, with the accompanying papers, referred to the Committee on Claims.

FURTHER MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 9, 1859.

To the Senate of California:

I have to inform your honorable body that I, this day, appointed Edwin R. Campbell as State Registrar, under, and by virtue of, an Act amendatory of, and supplementary to, an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California, and most respectfully ask your honorable body to confirm said appointment.

JOHN B. WELLER.

On motion of Mr. Burton, the Senate went into Executive Session, to consider the message just received from the Governor.

The question being, "Will the Senate consent to the appointment of Edwin R. Campbell, as State Registrar?" the roll was called, with the following result: ayes, 25—noes, none:

AYES—Messrs. Anderson, Allen, Baker, Bradley, Burch, Burton, Dent, Dickinson, Denver, Grant, Griffith, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, O'Farrell, Parks, Parker, Phelps, Price, Quinn, Redman, Titus, and Wheeler—25.

NOES—None.

So the appointment was confirmed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 329, "An Act to provide for the location of school-land warrants upon unsurveyed lands, and for the issuance of title for the same."

C. GILMAN, Clerk.

APRIL 12, 1859.

Assembly bill No. 329, "An Act to provide for the location of school-land warrants upon unsurveyed lands, and for the issuance of title for the same," read first and second times, and referred to the Committee on Public Lands.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, passed Senate bill No. 279, an Act to provide for fixing the time at which the County officers of Amador County shall be elected.

C. GILMAN, Clerk.

APRIL 12, 1859.

Mr. Bradley, Chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—Your Committee on Military Affairs, to whom was referred the Governor's message, transmitting the report and accompanying documents of General Kibbe, relative to the campaign against the Indians in the north-west portion of the State, beg leave to report:

That they have examined the same, and find, from the correspondence contained therein, that the section of country referred to was infested by bands of depredating Indians—that a number of our citizens had been killed by them, and others driven from their homes, and their property destroyed; the trails over which the United States mails were carried, and large quantities of merchandise transported to the interior, were closed to travel—that, in fact, these Indians had entire possession of the country—that the people took the matter in hand, and attempted, by sending out a small party of men, to quiet them and stop their depredations—that this small force was repulsed, two of their number killed, and were finally compelled to leave the field—that the citizens petitioned the Federal authorities for aid, without success, and, as a last resort, called upon the Governor of this State to afford them protection—that the Governor thereupon made application to General Clarke, commanding this department, for troops, and was informed that they could not be furnished; upon the receipt of which information the Governor dispatched General Kibbe to the infested district, with a view of obtaining all the facts in relation to the number of hostile Indians, and their probable intention, and that, in the mean time, the Indians continued their depredations, murdering our citizens, pillaging and burning their houses—that the citizens again petitioned the Governor for aid, sent a messenger to bear the same, and make a full representation of their grievances—that renewed application was made for Federal troops by the Governor, and responded to by saying that not the smallest guard could be furnished; whereupon directions were given for raising of a company of volunteers, and ordered General Kibbe into the field, with this company—that the company took the field on the fifteenth of October, one thousand eight hundred and fifty-eight, and were continued in service until the thirty-first day of March, one thousand eight hundred and fifty-nine, by which time above one hundred Indians had been killed, and three hundred and fifty taken prisoners, and shipped off to a Federal reservation—that the section referred to has been entirely rid of hostile Indians—that numerous communications have been made during this period, by the Governor and General Kibbe, to the commanding officers of the United States Army, asking for troops to take the place of the State troops, and answered that there were none ready to take the field.

Your Committee are, therefore, of opinion that there was imperative necessity for calling these troops into service, and that their disbandment was ordered as soon as the safety of the country would permit, that the expedition has been entirely successful, and, according to the evidence before us, economical, beyond precedent on this coast; and your Committee unite with the Governor in recommending an increase of pay to the men. By reference to the bills for subsistence, the Committee find that the cost for subsisting the command has been a fraction less than forty cents per day, each.

The pay established by law is but twelve dollars per month, and an allowance of two dollars and seventy cents for clothing, and we are assured by General Kibbe that this amount will scarcely pay the bills for clothing actually worn out in the service.

The total cost of the expedition, consisting of ninety-four officers and men, for five and one-half months, as represented to us by General Kibbe, allowing the pay established by law, is thirty-two thousand eight hundred and thirty-four dollars and eighty-six cents, including the purchase of camp-equipage.

The Committee herewith report a bill, and recommend that it be considered, and passed by the Senate.

B. T. BRADLEY, Chairman.

The bill just reported by the Committee was read first and second times, and, with the report, made the special order of the day for tomorrow, April thirteenth, at eleven o'clock, A. M.

Mr. Parks, by leave, introduced a bill for an Act amendatory of, and supplementary to, an Act to grant the right to construct and maintain a bridge across the Feather River, approved April twenty-sixth, one thousand eight hundred and fifty-eight, and for other purposes.

Which was read first and second times, and referred to the delegation from Sutter and Yuba.

Mr. Titus, by leave, introduced a bill for an Act to authorize Elliot Aubury, and his associates, to construct a wagon-road through the County of El Dorado.

Which was read first and second times, and referred to the El Dorado delegation.

Mr. Dickinson, of the Committee of Free Conference, on part of Senate, in conformity with the resolution of the Assembly, relative to receiving proposals from James H. Estill and J. F. McCauley, for the settlement of the State-prison affairs, made the following report:

MR. PRESIDENT:—The undersigned, a Joint-Committee appointed (under resolution passed April second, one thousand eight hundred and fifty-nine,) to confer with Messrs. Estill and McCauley, in relation to the settlement of their claims against the State, and the surrender of the State-prison and grounds by them, to the State, beg leave to report:

That they have received a proposition, jointly, from Messrs. Estill and McCauley, agreeing to surrender their claim to the State-prison property and grounds, to cancel the contract of April twenty-six, one thousand eight hundred and fifty-six, and to release the judgment obtained by Jno. F. McCauley, against Governor John B. Weller, in consideration of the sum of one hundred and twenty thousand dollars, to be paid them by the State.

They have also received a separate communication from John F. McCauley, setting forth the items of different claims, held by him against the State, amounting, in the aggregate, to ninety-six thousand eighty-seven dollars and thirty-eight cents, which amount is to be guarantied him before the final release, above mentioned, is signed by him jointly with James M. Estill.

Your Committee, owing to the limited time allowed them by the approaching adjournment of the Legislature, were unable to agree as to a report recommending either the acceptance or rejection of the propositions submitted by the Lessees of the State-prison, and therefore submit the accompanying documents, received from them, and ask to be released from the further consideration of the subject.

Respectfully,

W. B. DICKINSON,
E. F. BURTON,
T. G. PHELPS,
} Senate.

GEO. N. WHITMAN,
C. W. LIGHTNER,
C. W. CAHALAN,
} Assembly.

SACRAMENTO, April 9th, 1859.

GENTLEMEN:—I hand you, herewith, a statement of my individual claims against the State, amounting, in the aggregate, to ninety-six thousand and eighty-nine dollars and thirty-eight cents.

These claims are independent of the contract between the State and General Estill, and would have to be paid, whether there be any settlement of the contract or not. I stand, in relation to these claims, in the same position as any other person who has furnished property to the State, or whose property has been taken and applied to the use of the State. For some of this property, suit has been brought, and is now pending in the State Courts, against John B. Weller, and others, and I am advised by my counsel, and I presume there can be no doubt, that there will be a judgment in my favor. The claims are duly authenticated, and are unquestionable. Not a cent is asked, to which, according to every principle which governs the contracts or controversies of individual litigants, I am not entitled. Whatever may be the pretensions in regard to the contract, or its invalidity, no just man or lawyer, I presume, will dispute that until the Legislature interposed to set aside the contract I was entitled to payment for keeping the Prison.

This matter, then, being distinct from the questions connected with the arrangement and settlement of the controversy in regard to the future management of the State-prison, might well be settled through a separate bill, leaving this latter question to be adjusted by a separate consideration and contract.

But, of course, in any arrangement made, it is desirable, and expected, that the whole thing be understood, and closed up, so as to leave nothing for future trouble or controversy.

Respectfully, your obedient servant,

JOHN F. McCAULEY.

To Hon. W. B. Dickinson, E. F. Burton, T. G. Phelps, of Senate; George N. Whitman, C. W. Lightner, and C. W. Cahalan, of Assembly.

[Statements accompanying Communication from John F. McCauley.]

AMOUNTS DUE FROM THE STATE OF CALIFORNIA TO JOHN F. M'CAULEY.

Private property of John F. McCauley, taken possession of by the Governor on the first of March, 1858, at valuation made by Joint Committee, as shown in Appendix to Senate Journal, Ninth Session, including only property retained and used by the State	$42,159 83
Interest from March 1, 1859, to date, at 10 per cent. per annum	4,684 42
Cattle furnished the State, for use of State-prison, at stipulated price, in 1855	11,804 42
Interest from January, 1856, to date, at 10 per cent. per annum	3,869 22
Beef furnished the State, for use of State-prison, in 1856, under contract in writing	7,579 39

Interest from April 1, 1856, to date, at ten per cent. per annum	2,292 42
Total	$72,381 70
To keeping State-prison, from December 26, 1857, to March 1, 1858—2 months and 4 days, at $10,000 per month	21,333 33
Interest from March 1, 1858, to date, at 10 per cent. per annum	2,372 35
Total	$96,087 38

SACRAMENTO CITY, April 9th, 1859.

GENTLEMEN :—Accompanying this is a statement showing the value of permanent improvements made upon the State-prison property by us, as appears from the Journals of the Senate and Assembly, and also showing the amount of the claims against the State, released as part consideration of the contract of the twenty-sixth of March, one thousand eight hundred and fifty-six.

From this statement, it appears that the State received, for entering into the contract, the sum of seventy thousand and eight hundred dollars, and that, during the time that we were in possession of the State-prison property, the State has been benefited by the expenditure of our means upon the property, to the amount of one hundred and forty-six thousand three hundred and ninty-seven dollars and ninety-six cents.

Upon the surrender of the contract, it would certainly be but just that the State should refund what it received for entering into it, and should repay at least a large portion of the cost of the improvements made by us.

As, however, the principle upon which we have declared our willingness to settle with the State, is one of mere indemnity, we do not demand the payment of the whole of these sums, nor even of such portions of them as we might claim as a matter of strict right. We ask only to be paid such sum as will place us in the same position as if we had never been connected with the contract. The payment of the sum of one hundred and twenty thousand dollars will place us in that position, and upon the payment of that sum, and the individual claims of John F. McCauley, we are prepared to surrender the contract, and to release the State, and its officers, from all claims and demands, of every nature, arising out of our connection with the State-prison management. This proposition is, in effect, to discharge all claims against the State, for something less than one hundred thousand dollars, inasmuch as there is, in existence, a judgment in favor of the undersigned, John F. McCauley, against John B. Weller, on which the defendant is liable for about twenty-three thousand dollars, and for the greater part of this judgment ample security has been given.

It is to be understood that this proposition is made by way of compromise, and shall, in no manner, affect our rights and claims, nor be used in evidence against us, should it not be accepted. For the sake of an immemediate adjustment, we are prepared to surrender much that we might justly claim, but in offering now to make such surrender, it is to be understood that we do not preclude ourselves from asserting our rights

hereafter, to their fullest extent, should it become necessary for us to do so.

Respectfully, your obedient servants,
JOHN F. McCAULEY,
JAMES M. ESTILL.

To W. B. Dickinson, E. F. Burton, and T. G. Phelps, of Senate; George N. Whitman, C. W. Lightner, and C. W. Cahalan, of Assembly.

[Statement accompanying Communication from John F. McCauley, and James M. Estill.]

Value of improvements made on State-prison grounds from March 26, 1856, to March 17, 1857, including cost of materials furnished, particulars of which are set forth in report of Joseph H. Watkins, P. H. Pierce, and Robert C. Clark, Committee of Assembly, in Assembly Journal of 1857.....	$77,364 00
Value of permanent improvements made at State-prison by John F. McCauley, from May 15, 1857, to March 1, 1858, as shown in report of Joint Committee of Senate and Assembly, session of 1858.....	69,033 96
Total.....	$146,397 96
Amount of claim of Archibald Woods, against the State, purchased and released to the State, by James M. Estill, in part consideration of the contract entered into between the State and Estill, March 26, 1856, (see contract, in Journal of Assembly, for 1856, page 824,).....	$48,800 00
Value of 2,200,000 brick, purchased by State-prison Directors, and used in construction of State-prison wall, at $10 per thousand, released to the State by the contract.....	22,000 00
Total.....	$70,800 00
Total improvements made on State's property.....	$146,397 96
Paid the State, in part consideration of the contract.....	70,800 00
Total.....	$217,197 96

Report of Committee made the special order of the day for to-morrow, April thirteenth, at a quarter of eleven o'clock, A. M.

INTRODUCTION OF BILLS.

Mr. Grant, by leave, introduced a bill for an Act amendatory of an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to execute certain deeds, and cancel certain claims.

Which was read first and second times, and referred to the delegation from the Fifth Senatorial District.

Mr. Parker, by leave, introduced a bill for an Act authorizing the resurvey of a portion of the City and County of San Francisco.

Which was read first and second times, and referred to the San Francisco and San Mateo delegation.

Mr. Griffith made a verbal report on Assembly bill No. 369, an Act to fix the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Solano, recommending its passage.

On motion of Mr. Griffith, the rules were suspended, and the bill just reported was taken up, read first and second times, rules further suspended, bill read a third time, and passed.

Mr. Ketcham, by leave, introduced a bill for an Act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight.

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Denver, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

WEDNESDAY, April 13, 1859.

The Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Allen, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report the amount of mileage due each member of the State-prison Investigating Committee, consisting of Messrs. Berry, Bradley, and Anderson, to be fifty-two dollars.

ALLEN, Chairman.

Report accepted, rules suspended, report taken up, and adopted.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom were referred certain accounts, herein set forth, have examined the same, and recommend they be allowed, to be paid out of the Contingent Fund:

Gelwicks & January, Newspapers	$51 00
W. S. Hicks & Co	26 00
Nevada Journal	5 00
D. C. Gorden	9 00
Conley & Patrick	11 50
California Farmer	21 00
Total	$123 50

C. J. LANSING, Chairman.

Report accepted, and placed on file.

On motion of Mr. Lansing, the rules were suspended, and the report taken up, and adopted.

Mr. Berry, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures have examined the accounts of the Secretary of the Senate, for copying into the Senate Journal, Appendix to the same, and for the Printer, and beg leave to present the accompanying report of the number of folios copied, and allowed for the same.

BERRY,
Of Committee on Public Expenditures.

STATE OF CALIFORNIA,

To E. C. PALMER, Secretary of the Senate, Dr.,

For copying into Senate Journal 553 folios, from page 730 to page 808, inclusive, 553 folios, at 15 cents per folio	$79 95
For copying, for Printer, 553 folios, at 10 cents per folio	55 30
For copying into Appendix to Senate Journal 814 folios, from page 167, inclusive, 814 folios, at 15 cents per folio	112 10
For copying, for Printer, 814 folios, at 10 cents per folio	81 40
For copying, for Printer, Senate bill No. 246, 18 folios, at 10 cents per folio	1 80
For copying, for Printer, Senate bill No. 234, 5 folios, at 10 cents per folio	50
For copying, for Printer, Senate Concurrent-Resolution No. 34, 7 folios, at 10 cents per folio	70
For copying, for Printer, Senate Memorial No. 5, 18 folios, at 10 cents per folio	1 80
For copying, for Printer, Senate bill No. 254, 30 folios, at 10 cents per folio	3 00
For copying, for Printer, Senate bill No. 258, 22 folios, at 10 cents per folio	2 20
Three hundred and forty-eight dollars and seventy-five cents	$348 75

Examined, audited, and allowed.

O'FARRELL,
GRIFFITH,
BERRY.

APRIL 12.

On motion of Mr. Berry, the rules were suspended, and the report taken up, and adopted.

Mr. Phelps, of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—Your Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 270, "An Act to create the County of Alturas, to define its boundaries, and provide for its organization," have had the same under consideration, and report the bill back, recommending that the same be indefinitely postponed.

PHELPS, for the Committee.

Report accepted, and, with bill, placed on file.

Mr. Kirkpatrick, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Assembly Joint-Resolution, "relative to cession of lands by the General Government," report the same back, and recommend its passage.

KIRKPATRICK, Chairman.

Report accepted.

On motion of Mr. Kirkpatrick, the rules were suspended, and Assembly Joint-Resolution No. 45, "relative to cession of lands by the General Government," was taken up, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Senate bill No. 211, "An Act appropriating moneys for the benefit of certain Orphan Asylums in this State," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. McDonald, Burton, and Titus, and taken, with the following result: ayes, 25—noes, 5:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Burch, Garter, Gregory, Griffith, Hart, Hamm, Holden, Kirkpatrick, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Quinn, Redman, Thom, and Williams—25.

NOES—Messrs. Berry, Burton, Dickinson, Denver, and Titus—5.

So the bill passed

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills have examined Senate bill No. 134, an Act for the establishment and erection of a State Reform School.

Also, Senate bill No. 279, an Act fixing the time at which the County officers of Amador County shall be elected.

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 278, an Act to authorize the parties therein named to construct and maintain a wharf, and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

FURTHER SPECIAL ORDER.

Report of the Joint Committee, appointed in conformity with Assembly Concurrent-Resolution, passed April second, one thousand eight hundred and fifty-nine, relative to receiving proposals from James M. Estill and J. F. McCauley, to settle the State-prison affairs, considered in Committee of the Whole—

Pending which, Mr. Griffith offered the following resolution, which was lost:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of five from the Senate, and five from the Assembly, be appointed to report to the Legislature all matters pertaining to the State-prison controversy with Messrs. Estill and McCauley, and to recommend such settlement as shall be deemed best and most advisable; also, as to the private claim of Mr. McCauley.

On motion of Mr. Ketcham, the proposition of Messrs. Estill and McCauley, relative to the State-prison, was rejected.

FURTHER SPECIAL ORDER.

Senate bill No. 40, an Act in relation to a sea-wall, or bulk-head, in the City and County of San Francisco, taken up.

Mr. Griffith moved a call of the Senate.

Adopted.

Roll called.

Senators all present.

On motion of Mr. Denver, further proceedings under the call were dispensed with.

Mr. Anderson moved the previous question.

Which was seconded.

The question being, "Shall the main question be now put?" it was adopted.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Anderson, Griffith, and Williams, and taken, with the following result: ayes, 19—noes, 16:

AYES—Messrs. Anderson, Allen, Ballou, Bradley, Dent, Dickinson, Garter, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Merritt, Phelps, Quinn, Titus, and Wheeler—19.

NOES—Messrs. Baker, Berry, Burch, Burton, Denver, Gregory, Kirkpatrick, McDonald, O'Farrell, Pacheco, Parks, Parker, Price, Redman, Thom, and Williams—16.

So the bill passed.

Mr. Phelps gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 13, 1859.

To the Senate of the State of California:

I have to inform your honorable body that I have, this day, approved "An Act relating to the office of Sheriff, in the County of San Mateo."

Also, "An Act to authorize the Weaverville and Shasta Wagon-Road Company to file certain papers."

Also, "An Act making certificates of purchase, or of location, evidence of title."

JOHN B. WELLER.

Mr. Redman asked and obtained leave of the Senate, to have his name recorded in the negative, on the vote just taken on Senate bill No. 40, an Act in relation to a sea-wall, or bulk-head, in the City of San Francisco, he having voted under a misapprehension, believing it to be another bill which was before the Senate.

FURTHER SPECIAL ORDER.

Senate bill No. 284, an Act for the payment of expenses incurred in the suppression of Indian hostilities, in certain Counties in this State, was considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Burch, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Mr. Bradley, pursuant to notice, moved to reconsider the vote by which the Senate indefinitely postponed Assembly bill No. 257, an Act creating the County of Mokelumne, and defining its organization.

Upon which, the ayes and noes were demanded, by Messrs. McDonald, Dent, and Lansing, and taken, with the following result: ayes, 19—noes, 14:

AYES—Messrs. Allen, Berry, Bradley, Burch, Denver, Grant, Gregory, Griffith, Hart, Hamm, Holden, Ketcham, Merritt, Parks, Parker, Thom, Titus, Wheeler, and Williams—19.

NOES—Messrs. Anderson, Baker, Ballou, Burton, Dent, Dickinson, Garter, Kirkpatrick, Lansing, McDonald, Phelps, Price, Quinn, and Redman—14.

DECLINED—Mr. Pacheco declined to vote.

So the vote by which the Senate indefinitely postponed the bill was reconsidered.

On motion of Mr. Merritt, the Senate took a recess for five minutes.

The Senate re-assembled at the appointed hour.
Roll called.
Quorum present.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly will be ready to meet your body in Joint-Convention, at one o'clock, P. M.

MACGILL, Assistant-Clerk.

The hour having arrived for the Joint-Convention of the two Houses, for the election of Trustees of the Insane Asylum, the Senate proceeded, with the President and its officers, to the Assembly Chamber.

IN JOINT-CONVENTION.

Convention called to order by the President of the Senate.
Senate roll called.
Quorum present.
Assembly roll called.
Quorum present.
Concurrent-Resolution adopted by the Senate and Assembly for the Joint-Convention read, and the President announced nominations for the Trustees of the Insane Asylum at Stockton, to be in order.
Mr. Lull, of the Assembly, nominated D. J. Staples.
Mr. Holman, of the Assembly, nominated Messrs. S. A. Booker, John W. O'Neill, and L. R. Bradley.
Mr. Grant, of the Senate, nominated Messrs. G. R. Choate, and Cornelius Cole.
Mr. Griffith, of the Senate, nominated H. T. Huggins.
Mr. DeLong, of the Assembly, nominated William Biven.
Nominations being closed—
Mr. Hines, of the Assembly, moved that the roll be called, and each Senator and Member, as his name is called, name the three parties he desires to vote for.
Adopted.
Mr. Merritt moved the appointment of a Teller, on the part of the Senate, and one on the part of the Assembly, to count the vote.
Adopted.
Mr. Merritt was appointed, on the part of the Senate.
And Mr. Phil. Moore, on the part of the Assembly.
Nominations being closed, the roll of the Convention was called, with the following result:

Names.	Booker.....	Bradley.....	O'Neill.....	Staples.....	Cole.....	Huggins.....	Biven.....
Anderson	1	1	1				
Allen			1			1	1
Ballou			1				1
Berry	1	1	1				
Bradley	1	1	1				
Burch	1	1	1				
Dent	1	1	1				
Dickinson	1	1	1				
Denver	1	1	1				
Garter	1	1	1				
Grant				1	1		
Gregory	1	1	1				
Griffith			1			1	1
Hart			1				
Hamm	1	1	1				
Holden	1	1	1				
Kirkpatrick	1	1	1				
Lansing	1	1	1				
McDonald	1	1			1		
Merritt	1	1	1				
O'Farrell	1	1	1				
Pacheco	1	1	1				
Parks	1	1	1				
Parker				1	1		
Price	1	1	1				
Quinn	1	1	1				
Redman	1						
Titus	1	1	1				
Wheeler			1			1	
Williams				1	1		
Armstrong	1	1	1				
Aud	1	1	1				
Banks				1	1		
Barclay	1	1	1				
Bates	1	1	1				
Briggs	1		1			1	
Buck	1	1	1				
Burdick	1	1	1				
Caine				1	1		
Caldwell			1			1	1
Cahalan		1	1				
Cannon			1			1	1
Cherry				1	1		
Coleman	1	1	1				
Condee	1	1	1				
Connely	1	1	1				
Cope	1	1	1				
Crenshaw	1	1	1				

Names.	Booker.....	Bradley.....	O'Neill.....	Staples	Cole.....	Huggins.....	Biven.....
Cutler	1	1	1				
Davis	1	1	1				
Douglas, G. A			1				
Douglass, G. N	1	1	1				
Dow	1	1	1				
Dunlap	1	1	1				
Ellis	1	1			1		
Ensworth	1	1	1				
Fuller			1			1	1
Gregory	1	1					
Gwinn	1	1	1				
Hancock			1				
Hines	1	1	1				
Holman	1	1	1				
Howe	1	1	1				
Imus		1	1			1	
Jackson			1			1	1
Johnson	1	1	1				
Lamar	1	1					
Laspeyre	1	1	1				
Lefever	1	1	1				
Lies	1	1	1				
Lightner	1	1	1				
Lull				1	1		
Malarin	1	1	1				
Mathews	1	1	1				
Moore, of Nevada	1	1	1				
Mount	1	1					1
Murray	1	1	1				
Pico	1	1	1				
Roane	1	1	1				
Robberson	1	1	1				
Rodgers	1	1	1				
Shannon						1	
Shepard				1	1		
Sheridan		1					1
Sloss			1			1	
Springer	1	1	1				
Squires	1	1	1				
Taylor				1	1		
Tipton	1	1	1				
Tully	1	1	1				
Vaughan	1	1	1				
Whealdon			1			1	1
Wing	1	1	1				
Whitney	1	1	1				
Mr. Speaker	1	1	1				
Total	69	70	77	9	11	12	10

Messrs. Burton and Ketcham declined voting.
Mr. Hart voted for Messrs. Hicks and O'Neill.
Mr. Daggett voted for Messrs. Watkins, Laspeyre, and DeLong.
Mr. DeLong voted for Messrs. Walkup, Holden, and Grant.
Mr. Eagon voted for Messrs. Broderick, Gwin, and Weller.
Mr. Hancock voted for Messrs. Pixley, Jackaway, and O'Neill.
Mr. Hill voted for Messrs. Pixley, Lamar, and Hart.
Mr. Lynch voted for Messrs. Springer, Imus, and Lynch.
Mr. Pixley voted for Messrs. Estill, McCauley, and Jackaway.
Mr. Watkins voted for Messrs. Melony, Bulk-head, and Shannon.
Mr. Whitman voted for Messrs. Jackaway, Parsons, and Pixley.
Mr. Shafter received one vote, and Mr. Shattuck received two votes.

Name.	Vote.
S. A. Booker	69
L. R. Bradley	70
John W. O'Neill	77
H. S. Huggins	9
Wm. Biven	10
D. J. Staples	9
G. R. Choate	9
C. Cole	11
Hicks	1
Watkins	1
Laspeyre	1
De Long	1
Joseph Walkup	1
Wm. Holden	1
Gilbert A. Grant	1
David C. Broderick	1
Wm. M. Gwin	1
John B. Weller	1
Frank Pixley	3
Jackaway	4
Lamar	1
Lynch	1
Hart	1
Springer	1
Imus	1
James M. Estill	1
J. F. McCauley	1
A. R. Melony	1
Bulk-head	1
Shannon	1
Parsons	1
Shafter	1
Shattuck	2
Whole number of votes cast	102

Necessary to a choice, fifty-two.

S. A. Booker, L. R. Bradley, and John W. O'Neill, having received a majority of all votes cast, were declared, by the President, duly elected Trustees of the State Insane Asylum.

The objects for which the Convention convened having been accomplished, the Convention adjourned, and the Senate returned to its chamber.

IN SENATE.

President in the Chair.

Roll called.

Quorum present

REPORTS.

Reports were made as follows:

Mr. Bradley, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 284, an Act for the payment of expenses incurred in the suppression of Indian hostilities, in certain Counties in this State."

And find the same correctly engrossed.

B. T. BRADLEY, for Committee.

Report accepted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills, to-day, at eleven o'clock, A. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 134, "An Act for the establishment and erection of a State Reform School."

Also, Senate bill No. 279, an Act fixing the time at which the County Officers of Amador County shall be elected.

BERRY, Chairman.

Report accepted.

The question recurring on the motion to indefinitely postpone Assembly bill No. 257, "An Act to create the County of Mokelumne, and to provide for its organization," the ayes and noes were demanded, by Messrs. Dickinson, Dent, and McDonald, and taken, with the following result: ayes, 16—noes, 15:

AYES—Messrs. Anderson, Baker, Burton, Dent, Dickinson, Garter, Hamm, Kirkpatrick, Lansing, McDonald, Merritt, Phelps, Price, Quinn, Redman, and Williams—16.

NOES—Messrs. Berry, Bradley, Burch, Denver, Grant, Griffith, Hart, Holden, Ketcham, O'Farrell, Parks, Parker, Thom, Titus, and Wheeler —15.

DECLINED—Messrs. Gregory and Pacheco.

So the bill was indefinitely postponed.

Mr. Burton, by leave, introduced a bill for "An Act to appropriate money for the payment of a certain judgment against John B. Weller."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Burton, the forty-fifth standing rule of the Senate

was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Mr. Phelps moved to reconsider the vote by which Senate bill No. 234, "An Act authorizing the construction of wharves at the foot of certain streets, in the City and County of San Francisco," was passed, on yesterday.

Upon which, the ayes and noes were demanded, by Messrs. Parker, Phelps, and Williams, and taken, with the following result: ayes, 14—noes, 14:

AYES—Messrs. Baker, Burton, Dickinson, Denver, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Redman, Thom, and Williams—14.

NOES—Messrs. Allen, Berry, Bradley, Burch, Dent, Grant, Hart, Hamm, Holden, Lansing, Merritt, Price, Titus, and Wheeler—14.

DECLINED—Mr. Kirkpatrick declined to vote.

So the Senate refused to reconsider the vote.

FURTHER SPECIAL ORDER.

Assembly bill No. 223, "An Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State," considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time, and made the special order of the day, for Thursday, at half-past ten o'clock.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 200, an Act to provide for a more thorough distribution of the Laws of this State, and find the same correctly engrossed.

I. S. TITUS, for the Committee.

Report accepted.

Mr. Baker made a verbal report on Senate bill No. 234, an Act granting the right to construct a wharf in the City and County of San Francisco, to certain parties therein named, reporting it correctly engrossed.

Mr. Berry offered the following resolution, which was adopted:

Resolved, That the Enrolling Clerk be allowed one Assistant, from and after this date, to be paid out of the Contingent Fund of the Senate, at the rate of eight dollars per day.

Mr. Titus moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Anderson, Dickinson, Grant, Holden, and Lansing.

Messrs. Holden, Anderson, Grant, and Lansing, appearing at the bar of the Senate, were admitted.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR PRESIDENT:—The Assembly, this day, adopted Assembly Concurrent-Resolution No 47, relative to enacting clause in Assembly bill No. 251.

C. GILMAN, Clerk.

Assembly Concurrent-Resolution No 47, relative to enacting clause in Assembly bill No 251, taken up, and adopted.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR PRESIDENT:—The Assembly, this day, passed Assembly bill No. 379, an Act to appropriate money to pay Joseph Norgrove.

C. GILMAN, Clerk.

APRIL 13, 1859.

Assembly bill No 379, an Act to appropriate money to pay Joseph Norgrove, read first and second times, and referred to Committee on Claims.

FURTHER MESSAGE FROM THE ASSEMBLY

MR PRESIDENT:—The Assembly, on the sixth of April, refused to pass Senate bill No 110, an Act appropriating money for the completion of a wagon-road over the Sierra Nevada.

Also, on yesterday, refused to adopt the report of the Committee of Free Conference of both Houses, on Senate bill No 147, an Act to compensate the Warden of the State-prison.

Also, passed, Senate bill No 175, an Act supplementary to an Act entitled "An Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, one thousand eight hundred and fifty-four.

Also, Senate bill No 204, an Act supplementary of an Act to amend an Act entitled "An Act to establish an Asylum for the Insane of the State of California," passed May seventeenth, one thousand eight hundred and fifty-four, amended April sixteenth, one thousand eight hundred and fifty-eight.

Also, Senate bill No 273, an Act to authorize the San Francisco and Marysville Railroad Company to construct and maintain a railroad bridge across Feather River, and for other purposes.

Also, Senate bill No 276, an Act supplementary to an Act fixing the time of holding the Courts of Sessions and County Court, in the County of Tuolumne, approved March thirty-first, one thousand eight hundred and fifty-nine.

Also, Senate bill No 277, an Act to legalize and confirm the election of County Surveyor of Butte County.

Also, Assembly bill No 159, an Act to separate the office of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra.

Also, Assembly bill No 278, an Act to authorize Charles Pearce to change his name to Charles G. Howard.

Also, substitute for Assembly bill No 279, an Act to confer further powers upon the Board of Supervisors, and the Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned.

Also, substitute for Assembly bill No. 321, an Act to amend an Act entitled an Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six.

Also, Assembly bill No. 336, an Act in relation to the appointment of a Pilot for the Bay and Harbor of Crescent City.

Also, Assembly bill No. 373, an Act to improve the navigation of San Antonio Creek, in the County of Alameda.

And, also, Assembly bill No. 379, an Act to provide for the purchase or building of a turnpike-road, in the County of Yolo.

C. GILMAN, Clerk.

APRIL 13, 1859.

Assembly bill No. 159, an Act to separate the offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra, read first and second times, and referred to the delegation from that District.

Assembly bill No. 278, an Act to authorize Charles Pearce to change his name to Charles G. Howard, read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 278, an Act to confer further powers upon the Board of Supervisors, and the Auditor and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, read first and second times, and referred to the delegation from that District.

Assembly bill No. 321, an Act to amend an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, read first and second times, and referred to the delegation from that District.

Assembly bill No. 336, an Act in relation to the appointment of a Pilot for the Bay and Harbor of Crescent City, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 373, an Act to improve the navigation of San Antonio Creek, in the County of Alameda, read first and second times, and referred to the Senator from that District.

Assembly bill No. 379, an Act to provide for the purchase or building of a turnpike-road, in the County of Yolo, read first and second times, and referred to the Committee on Internal Improvements.

On motion of Mr. Burton, the rules were suspended, and Senate bill No. 246, an Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest, was taken from unfinished business, and made the special order of the day for to-morrow, at a quarter past ten o'clock, A. M.

On motion of Mr. Anderson, the Senate adjourned.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

THURSDAY, April 14, 1859.

Senate met, pursuant to adjournment.
President in the Chair.
Roll called.
Journals of yesterday read and approved.
Mr. Phelps moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 40, "An Act in relation to a sea-wall, or bulkhead, in the City of San Francisco."
Pending which, Mr. Griffith moved a call of the Senate.
Adopted.
Roll called.
Absent—Messrs. Hart and Wheeler.
Mr. Wheeler appearing at the bar of the Senate, was admitted.
Mr. Hart appearing at the bar of the Senate, was admitted.
On motion of Mr. Phelps, further proceedings under the call were dispensed with.
Mr. Holden, of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 104, "An Act supplemental to, and amendatory of, an Act entitled an Act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, approved April twenty-sixth, one thousand eight hundred and fifty-eight," and find the same correctly engrossed.

WM. HOLDEN, for Committee.

Report accepted.
The question recurring on the motion to reconsider, the ayes and noes were demanded, by Messrs. Parks, Phelps, and Thom.
Pending which, Mr. Phelps moved a call of the Senate.
Adopted.
Roll called.
Absent—Mr. Titus.
Sergeant-at-Arms dispatched for absentee.
Mr Titus appearing at the bar of the Senate, was admitted.
On motion of Mr. Williams, further proceedings under the call were dispensed with.
The question recurring on the motion to reconsider, the ayes and noes having been demanded, were taken, with the following result: ayes, 19—noes, 16:

AYES—Messrs. Baker, Berry, Burch, Burton, Dent, Denver, Gregory, Kirkpatrick, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Redman, Thom, and Williams—19.
NOES—Messrs. Anderson, Allen, Ballou, Bradley, Dickinson, Garter, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Quinn, Titus, and Wheeler—16.

So the motion to reconsider prevailed.
The question being on the passage of the bill, the ayes and noes were

demanded, by Messrs. Williams, Grant, and Burton, and taken, with the following result: ayes, 16—noes, 19:

Ayes—Messrs. Anderson, Allen, Ballou, Bradley, Dickinson, Garter, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Quinn, Titus, and Wheeler—16.

Noes—Messrs. Baker, Berry, Burch, Burton, Dent, Denver, Gregory, Kirkpatrick, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Redman, Thom, and Williams—19.

So the Senate refused to pass the bill.

Mr. Berry moved to reconsider the vote just taken.

Which was lost.

Mr. Griffith, by leave, introduced a bill for "An Act to provide for the appointment of a Board of Engineers, for the survey of the water-front of the City of San Francisco, and a report as to a sea-wall along the same."

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate bill No. 167, an Act concerning roads and highways, in the City and County of San Francisco.

Also, Senate bill No. 263, an Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters thereto relating, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

SPECIAL ORDER OF THE DAY.

Senate bill No. 246, an Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest, considered in Committee of the Whole.

IN SENATE.

Reported back, and the substitute offered by Mr. Burton, for the original bill, was adopted.

Mr. Price moved a call of the Senate.

Lost.

Mr. Burch moved to suspend the rules, and consider the bill engrossed, and read a third time.

Pending which, on motion of Mr. Burch, the ninth section was amended by striking out the word "they," in second line.

Mr. Gregory offered the following amendment to section nine:

Add, after the word "State," last line, the words "new trials and appeals shall be allowed as in other civil cases."

Adopted.

The question recurring on the motion to suspend the rules, and consider the bill engrossed, the ayes and noes were demanded, by Messrs. Pacheco, Gregory, and Griffith, and taken, with the following result: ayes, 17—noes, 15:

AYES—Messrs. Allen, Berry, Bradley, Dent, Denver, Garter, Grant, Gregory, Griffith, Hamm, Holden, Ketcham, Lansing, Merritt, O'Farrell, Price, and Wheeler—17.

NOES—Messrs. Anderson, Baker, Ballou, Burch, Burton, Dickinson, Kirkpatrick, McDonald, Pacheco, Parks, Parker, Quinn, Redman, Thom, and Titus—15.

DECLINED—Messrs. Phelps and Williams declined to vote.

It requiring a two-thirds vote to suspend the rules, the Senate refused to suspend the rules, and consider the bill engrossed.

The bil was then ordered engrossed, and read a third time.

FURTHER SPECIAL ORDER.

Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State—

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Bradley, Parker, and Pacheco.

Mr. Phelps in the Chair.

Mr. Griffith moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Anderson, Allen, Baker, Garter, Hart, Hamm, and Quinn.

Messrs. Allen, Garter, Anderson, and Baker, appearing at the bar of of the Senate, were admitted.

On motion of Mr. Pacheco, further proceedings under the call were dispensed with.

The question recurring on the passage of the bill, the ayes and noes having been demanded, were taken, with the following result: ayes, 15—noes, 12:

AYES—Messrs. Anderson, Baker, Berry, Bradley, Dent, Denver, Grant, Gregory, Griffith, Holden, Lansing, Merritt, O'Farrell, Pacheco, and Williams—15.

NOES—Messrs. Allen, Ballou, Burch, Burton, Dickinson, Garter, Parks, Parker, Price, Redman, Titus, and Wheeler—12.

DECLINED—Messrs. Ketcham, McDonald, Phelps, and Thom, declined to vote.

So the bill passed.

Mr. Bradley offered the following resolution:

Resolved, by the Senate, the Assembly concurring, that a Special Joint Committee of five from the Senate, and five from the Assembly, be appointed, to take into consideration all matters in controversy between the State and James M. Estill, and J. F. McCauley, growing out of the affairs connected with the State-prison, and to report to the Legislature such

plan, or settlement, as they shall deem best, with full power to receive proposals from said Estill and McCauley.

Mr. Holden, of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Memorial No. 5, "asking Congress to pass a law authorizing the construction of a Pacific Railroad; also, asking for a grant of land to aid in the construction of a railroad in this State," and find the same correctly engrossed.

HOLDEN, for Committee.

Report accepted.

Mr. Merritt, of the Committee of Free Conference, on part of the Senate, by leave, made the following report:

To the President of the Senate:

The Committee of Free Conference, appointed by the Senate and Assembly to consider Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of the State, for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive, have considered the same, and, for the purpose of adjusting the differences between the two Houses, recommend that the Assembly recede from amendments Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 25; that the Senate agree to Assembly amendments Nos. 10, 20, 24; that the following amendments be adopted, and that the bill pass, as so amended:

In line twelve, after "dollars," insert: "For pay of Porter in office of Governor, three hundred dollars."

"For contingent expenses of office of Governor, three hundred dollars."

In line twenty-three, after "dollars," insert: "For contingent expenses of the office of Secretary of State, three hundred dollars."

In line thirty-one, after "dollars," insert: "For contingent expenses of the office of Controller of State, three hundred dollars."

In line thirty seven, after "dollars," insert: "For repairs of Treasurer's office, two hundred dollars."

"For contingent expenses in the office of Treasurer of State, three hundred dollars."

In line fifty-three, strike out "six," and insert "nine."

In line sixty-two, after "dollars," insert: "For contingent expenses of office of Surveyor-General, three hundred dollars."

In section one, line sixty-six, after "dollars," insert: "For contingent expenses of office of Quartermaster-General, two hundred dollars."

In line seventy-six, after "dollars," insert: "For contingent expenses of the office of Attorney-General, two hundred dollars."

In line eighty-seven, after "dollars," insert: "For contingent expenses of the Board of Examiners, two hundred dollars."

In line ninety-seven, after "dollars," insert: "For contingent expenses of the Supreme Court, six hundred dollars."

In line one hundred and thirteen, strike out "thirteen," and insert "fifteen."

In line one hundred and twelve, after "stationery," insert "blank-books."

In line one hundred and thirty-one, after "dollars," insert: "For contingent expenses of the State-Library, three hundred dollars.

In line one hundred and sixty-five, insert, after "dollars," "For contingent expenses of the office of State-Registrar, three hundred dollars."

For the support of the State-prison, to be expended under the direction of the State-prison Directors, seventy-five thousand dollars.

In section two, line one, insert, after "stationery," "blank-books."

MERRITT,
Chairman of Committee on the part of the Senate.
STREET,
Chairman of Committee on the part of the House.

On motion of Mr. Burton, the report was taken up, and unanimously adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 14, 1859.

To the Senate of California:

I have to inform your honorable body that I have, this day, approved an Act for the establishment and erection of a State Reform School.

Also, an Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, one thousand eight hundred and fifty-seven, and an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight.

Also, an Act fixing the time at which the County officers of Amador County shall be elected.

JOHN B. WELLER.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on the twelfth of April, refused to pass Senate bill No. 15, an Act to regulate the creation of homesteads.

Also, indefinitely postponed Senate bill No. 206, an Act for the relief of William T. Barbour, late Judge of the Tenth Judicial District.

Also, indefinitely postponed Senate bill No. 231, an Act to audit and allow the claim of William T. Barbour, for back salary as District Judge of the Tenth Judicial District.

Also, on yesterday passed Senate bill No. 257, an Act to appropriate money for the improvement of the mad-houses, and other improvements, of the State Insane Asylum.

Also, Senate bill No. 242, an Act to authorize the Common Council of the City of Los Angeles, to extend the City limits.

Also, Assembly bill No. 324, an Act to authorize certain persons to reclaim, locate, and pre-empt certain swamp and overflowed lands in the County of Sacramento.

Also, Assembly bill No. 376, an Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the boundary-lines between the Territories of the United States, and the State of California.

And, also, this day, substitute for Assembly bill No. 326, an Act to abolish the office of Public Administrator, in and for the Counties of Tuolumne and Santa Barbara.

C. GILMAN, Clerk.

April 14, 1859.

Assembly bill No. 324, an Act to authorize certain persons to reclaim, locate, and pre-empt certain swamp and overflowed lands, in the County of Sacramento, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 376, an Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the boundary-lines between the Territories of the United States, and the State of California, read first and second times, and referred to the Committee on Federal Relations.

Assembly bill No. 326, an Act to abolish the office of Public Administrator, in and for the Counties of Tuolumne and Santa Barbara, read first and second times, and referred to the delegation from that District.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly, this day, passed Assembly bill No. 342, an Act relating to the care and treatment of the indigent sick in the County of Yuba.

C. GILMAN, Clerk.

April 14, 1859.

Assembly bill No. 342, an Act relating to the care and treatment of the indigent sick in the County of Yuba, read first and second times, and referred to the delegation from that District.

INTRODUCTION OF BILLS.

Mr. Gregory, (by unanimous leave,) introduced a bill for an Act in relation to a sea-wall, or bulk-head, for the Harbor and City of San Francisco.

Which was read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Gregory, (by unanimous leave,) introduced a bill for an Act to provide for the payment of certain claims of John F. McCauley against the State of California.

Which was read first and second times, and referred to the Committee on State-prison.

Mr. Gregory, (by unanimous leave,) introduced a bill for an Act to grant Hoffman M. White, and his assigns, the right to construct and maintain a bridge across King's River.

Which was read first and second times, and referred to the Committee on Roads and Highways.

Mr Anderson, (by unanimous leave,) introduced a bill for an Act to regulate proceedings in civil actions, in certain cases.

Read first and second times, and placed on file.

Mr. Phelps, (by unanimous leave,) introduced a bill for an Act supplementary to, and explanatory of, an Act entitled "An Act making certificates of purchase, or of location, evidence of title."

Which was read first and second times, and referred to the Committee on Swamp and Overflowed Lands, with instructions to report to-morrow morning, April fifteenth.

Mr. Berry, (by unanimous leave,) introduced a bill for an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in this State.

Which was read first and second times, and referred to the Committee on Military Affairs.

Mr. Williams, (by unanimous leave,) introduced a bill for an Act to enable the heirs of José Joaquin Estudillo to convey real estate.

Which was read first and second times, and referred to the Judiciary Committee.

REPORTS.

Mr. Wheeler, (by unanimous leave,) made a verbal report on Assembly bill No. 348, an Act amendatory of an Act entitled "An Act amendatory of, and supplementary to, an Act entitled an Act to incorporate the City of Marysville, approved March third, one thousand eight hundred and fifty-seven, approved March twenty-fifth, one thousand eight hundred and fifty-seven," recommending its passage.

On motion of Mr. Wheeler, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

FURTHER REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, to-day, at two o'clock, P. M., presented to His Excellency, the Governor, for his approval:

Senate bill No. 263, an act to authorize the Board of Supervisors of the County of Sutter to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters thereto relating.

Also, Senate bill No. 167, an Act concerning roads and highways, in the City and County of San Francisco.

BERRY, Chairman.

Report accepted.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

Mr. President:—Your Committee on Claims, to whom was referred the claim of J. M. Anderson, for writing and punctuating the Journals of one thousand eight hundred and fifty-six, of the Assembly, report same back, with the accompanying bill, and recommend its passage.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Griffith made the following report:

Mr. President:—The delegation from Solano, Napa, and Yolo, to whom were referred Senate bill No. 271, and Senate bill No. 272, have

considered the same, and report the same, with amendments, and recommend their passage, as amended:

Amend Senate bill No. 271, by filling the blanks in the title of the bill, and in the first, second, and third sections, with the words "fifty."

Also, amend sixth section, tenth line, by striking out the word "ten," and inserting "seven."

Amend Senate bill No. 272, by filling the blanks in the first, second, third sections, with words, "two hundred."

Also, amend sixth section, tenth line, by striking out the word "ten," and inserting "seven."

GRIFFITH, Senator.

Report accepted, and, with bills, placed on file.

Mr. Wheeler, of the Sutter and Yuba delegation, made the following report:

MR. PRESIDENT:—The delegation from Sutter and Yuba, to whom was referred Assembly bill No. 245, "An Act to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes," having had the same under consideration, hereby report it back, and recommend its passage, without amendment.

E. D. WHEELER,
ISAAC ALLEN,
W. H. PARKS.

Report accepted.

On motion of Mr. Wheeler, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

On motion of Mr. Griffith, the rules were suspended, and Senate bill No. 271, "An Act to authorize the Board of Supervisors of the County of Yolo to take and subscribe —— thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and matters relating thereto," was taken up, amendments reported by the Committee adopted, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Griffith, the rules were suspended, and Senate bill No. 272, an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe —— thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto," was taken up, rules further suspended, amendments reported by Committee adopted, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Griffith, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bills just passed.

Mr. Pacheco, by unanimous leave, introduced a bill for "An Act to enable certain minors therein named, to manage and control their property.

Which was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Garter, the rules were suspended, and Senate bill No. 294, an Act to audit and allow the claim of J. M. Anderson," was taken up, read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of D. L. Mulford, Sheriff of Calaveras County, for arresting Jack Phelps, John Gardner, Smith Sutton, Jack W. Forensworth, and F. Forensworth, a gang of robbers, known as Tom Bell's gang, report the same back, with the accompanying bill, and recommend its passage.

E. GARTER, Chairman.

Report accepted.

The bill just reported, for "An Act to appropriate money to pay the claim of D. L. Mulford," was read first and second times, and placed on file.

Mr. Lansing presented certain accounts, which were referred to the Committee on Contingent Expenses.

FURTHER REPORT FROM THE COMMITTEE ON CLAIMS.

MR. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 370, an Act to appropriate money to pay Joseph Nougues, report the same back, and recommend its passage.

GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. O'Farrell, by unanimous leave, introduced a bill for "An Act concerning the Commissioners of Election appointed under an Act entitled an Act to define the boundaries, and provide for the organization, of Mendocino County."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. O'Farrell, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly bill No. 83, an Act to amend an Act to establish Pilots and Pilot-regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-eight, with instructions to report certain amendments, have inserted said amendments, and herewith report it back to the Senate.

McDONALD, Chairman.

Report accepted, and, with bill, made the special order of the day for Friday, April fifteenth, at two o'clock, P. M.

FURTHER REPORT FROM THE COMMITTEE ON COMMERCE AND NAVIGATION.

MR. PRESIDENT:—Your Committee on Commerce and Navigation, to whom was referred Assembly bill No. 165, an Act to grant the right to construct and maintain a dam and lock across and in Napa Creek, have had the same under consideration, and report it back, with amendments, and recommend the adoption of the amendments.

They have also had under consideration Assembly bill No. 336, an Act in relation to the appointment of a Pilot for the Bay and Harbor of Crescent City, and report it back, and recommend its passage.

McDONALD, Chairman.

Report accepted, and, with bills, placed on file.

FURTHER REPORT FROM THE COMMITTEE ON CLAIMS.

MR. PRESIDENT:—The Committee on Claims, to whom was referred the claim of John Center, for lands claimed by the State, at Point San Quentin, and materials furnished the State-prison, have had the same under consideration, report the same back, and recommend that the claim be rejected.

E. GARTER, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 11, an Act concerning marriages and divorces, have had the same under consideration, report the bill back, and the majority recommend its passage.

Senate bill No. 41, an Act in relation to the assignment of rights in action, and evidence of such assignment, and notice thereof, have had the same under advisement, report the bill back, with the recommendation that no action be taken upon it.

Assembly bill No. 269, an Act to authorize the sale of the real and personal property of the estate of George W. Birdsall, have had the same under consideration, report the bill back, without recommendation.

"Proposed amendments to the Constitution of the State of California,"—have had the same under advisement, report the same back, and recommend that it be indefinitely postponed.

Senate bill No. 145, "An Act supplementary to an Act entitled an Act to confirm and legalize the tax-lists, or assessment-rolls, of the County of Marin, for the year one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County," have had the same under consideration, report the bill back, and recommend that it do not pass.

Senate bill No. 185, "An Act to amend an Act entitled an Act defining the rights of husband and wife," passed April seventeenth, one thousand eight hundred and fifty, have had the same under advisement, report the bill back, without any recommendation.

Assembly bill No. 354, "An Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and to provide for its organization, approved March second, one thousand eight hundred and fifty-seven," have had the same under consideration, and report the bill back, and recommend its passage.

"Memorial of Lewis Shearer, with accompanying bill,"—your Committee have had the same under consideration, report the bill back, and the majority recommend its passage—Mr. Gregory recommends that it do not pass.

Assembly Concurrent-Resolution No. 41, relative to Chinese immigra-

tion, have had the same under advisement, report the resolution back, and recommend that it be indefinitely postponed.

Assembly bill No. 377, "An Act to authorize the State Controller to draw warrants upon the treasury, in favor of assignees, in certain cases," have had the same under consideration, report the bill back, and the majority recommend its indefinite postponement—Mr. Burch recommends its passage, amended:

Amend by striking out, in section one, line six, the words "Insane Asylum."

Senate bill No. 281, "An Act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight"—your Committee have had the same under advisement, report the bill back, recommending its indefinite postponement.

Assembly bill No. 45, "An Act amendatory of, and supplementary to, the Act defining the rights of husband and wife"—have had the same under consideration, report the bill back, and the majority recommend its passage, amended:

Amend by striking out, in title, the words, "amendatory of, and."

Also, strike out sections one and two.

Also, make section three read as section one; section four read as section two.

Mr. Williams recommends its passage, without amendment.

Assembly bill No. 303, "An Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty"—Messrs. Burch and Williams recommend its passage as amended; and Messrs. Anderson and Gregory recommend that it do not pass.

Assembly bill No. 290, "An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons," passed May first, one thousand eight hundred and fifty-one"—your Committee have had the same under consideration, report the bill back, and recommend that it be indefinitely postponed.

Assembly bill No. 306, an Act to amend "An Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation"—have had the same under advisement, report the bill back, and the majority recommend its indefinite postponement—Mr. Burch recommends the passage of the accompanying substitute.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

FURTHER SPECIAL ORDER.

Senate bill No. 237, "An Act amendatory of an Act entitled an Act concerning corporations," passed April twenty-second, one thousand eight hundred and fifty, was taken up, and made the special order of the day for Friday, April fifteenth, at half-past ten o'clock, A. M.

On motion of Mr. Phelps, the rules were suspended, and Assembly bill No. 182, "An Act concerning certain acknowledgments of deeds, and other instruments in writing, affecting real estate," was taken up, and made the special order of the day for Friday, April fifteenth, at one o'clock, P. M.

Mr. Wheeler, by unanimous leave, introduced a bill for "Act to provide for the settlement of controversies arising out of a certain contract made

on the twenty-sixth day of March, one thousand eight hundred and fifty-six, between R. M. Anderson, G W. Whitman, and Henry Bates, Board of State-prison Commissioners, of the one part, and James M. Estill, of the other part."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Redman made a verbal report on Assembly bill No. 353, "An Act providing for the election of County Clerk and County Recorder, of Alameda County, and to separate their offices," recommending that it do not pass.

Mr. Redman also made a verbal report on Assembly bill No. 373, "An Act to improve the navigation of San Antonio Creek, in the County of Alameda," recommending that it pass.

On motion of Mr. Redman, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Griffith, by unanimous leave, introduced a bill for "An Act to authorize Peter H. Burnett, and William T. Barbour, to bring suit against the State Controller, and for other purposes."

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Lansing moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Dickinson, Gregory, and Burch, and taken, with the following result: ayes, 15—noes, 14:

Ayes—Messrs. Anderson, Baker, Berry, Bradley, Dent, Denver, Garter, Griffith, Hamm, Kirkpatrick, Lansing, Pacheco, Parks, Price, and Wheeler—15.

Noes—Messrs. Allen, Ballou, Burch, Burton, Dickinson, Gregory, Holden, Ketcham, McDonald, Parker, Phelps, Redman, Titus, and Williams—14.

So the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. Palmer, Secretary of Senate.

IN SENATE.

Friday, April 15, 1859.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

On motion of Mr. Phelps, the reading of Journals was dispensed with.

REPORTS.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

Mr. President:—The Committee on Public Lands, to whom was referred Senate bill No. 289, have had the same under consideration, and

recommend the amendment of the same by adopting the following substitute for section one of said bill, and that the bill, so amended, do pass.

HOLDEN, Chairman.

No certificate of purchase, or location, mentioned in the Act to which this Act is explanatory and supplemental, shall affect the right, title, or possession, of any party in adverse possession of said lands at the date of location, or the date of filing a pre-emption claim for which the certificate of purchase, or location, is issued. Nor shall said certificate of purchase, or location, be so construed as to affect the working of mineral lands, for mining purposes.

Report accepted.

On motion of Mr. Holden, the bill just reported was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Holden, the Forty fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Mr. Anderson made a verbal report on Assembly bill No. 219, an Act for the protection of Gas-Light Companies, recommending its passage.

On motion of Mr. Anderson, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Titus made a verbal report on Senate bill No. 282, an Act to authorize Elliott Aubury, and his associates, to construct a wagon-road through the County of El Dorado, recommending that it be indefinitely postponed.

Report accepted, and bill placed on file.

Mr. Thom, of a special Committee, made the following report:

Mr. President:—The Special Committee, to whom was referred Assembly bill No. 94, an Act concerning jurors, in the County of Los Angeles, have had the same under consideration, and beg leave to report the bill back to the Senate, with amendments, and recommend its passage, when so amended.

Amend by striking out section eight, and making section nine, read section eight; section ten, read section nine; section eleven, read section ten, and section twelve, read section eleven.

THOM, of Committee.

Report accepted.

On motion of Mr. Thom, rules suspended, and the bill just reported was taken up, read a third time, and passed.

Mr Gregory, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

Mr. President:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 324, entitled "An Act to authorize certain persons to reclaim, locate, and pre-empt certain swamp and overflowed lands, in the County of Sacramento," having considered the same, herewith report it back, and recommend that it be indefinitely postponed.

GREGORY, Chairman.

Report accepted, and, with bill, placed on file.

FURTHER REPORT FROM THE COMMITTEE ON PUBLIC LANDS.

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Assembly bill No. 329, for an Act to provide for the location of school-land warrants upon unsurveyed lands, and for the issuance of titles for the same, have had the same under consideration, and recommend the passage of the bill.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Bradley, Chairman of the Military Committee, made the following report:

MR. PRESIDENT:—The Committee on Military Affairs, to whom was referred Assembly bill No. 56, "An Act concerning the organization of the militia," have had the same under consideration, and report the same back, with a substitute—a majority of the Committee recommend the passage of the substitute.

B. T. BRADLEY, Chairman.

Report accepted, and, with bill, placed on file.

FURTHER REPORT FROM THE COMMITTEE ON PUBLIC LANDS.

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred Senate bill No. 253, for an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State, for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds thereof to the credit of the General School Fund, have had the same under consideration, and I am instructed to report the same to the Senate, and recommend the indefinite postponement of the bill.

HOLDEN, Chairman.

Report accepted, and, with bill, placed on file.

Mr. Grant, Chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT:—The Committee on Internal Improvements, to whom was referred Assembly bill No. 399, "An Act to provide for the purchase or building of a turnpike-road, in the County of Yolo," have had the same under consideration, and recommend its passage.

GILBERT A. GRANT, Chairman.

Report accepted, and, with bill, placed on file.

Mr. O'Farrell, of the Sonoma delegation, made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 321, "An Act to amend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six," report the bill back, and recommend its passage.

O'FARRELL, of the Eleventh District.

Report accepted.

On motion of Mr. O'Farrell, the rules were suspended, the bill just reported was taken up, read a third time, and passed.

Mr. Anderson made a verbal report on Assembly bill No. 43, "An Act to authorize the formation of Joint-Stock-Associations for savings, deposits, and discount—majority recommending that it do not pass.

Placed on file.

Mr. Quinn, of the Tuolumne delegation, made the following report:

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 326, an Act to abolish the office of Public Administrator, in and for the Counties of Tuolumne, and Santa Barbara, report the bill back to the Senate, without amendment, and recommend its passage.

QUINN, of the Delegation.

Report accepted.

On motion of Mr. Quinn, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Lansing, of the Committee on Claims, made the following report:

MR. PRESIDENT:—The undersigned, a minority of the Committee on Claims, to whom was referred the claim of John Center, would report that the evidence produced before them was sufficient to establish the fact, that the title to the land is in Center, as claimed by him, as well as that of the personal property purchased by him at Sheriff's sale. And the undersigned would, therefore, recommend an appropriation of ten thousand and four hundred dollars to satisfy said claim, and further report the accompanying bill, and recommend its passage.

C. J. LANSING, of Senate.
JAMES M. TAYLOR,
G. N. DOUGLASS,
T. B. SHANNON. } of Assembly.

Report accepted, and, with bill, placed on file.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills, to-day, at eleven o'clock, A. M., presented to His Excellency, the Governor, for his approval, Senate bill No. 175, an Act supplementary to an Act entitled an Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, one thousand eight hundred and fifty-four.

Also, Senate bill No. 204, an Act amendatory of an Act to amend an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, one thousand eight hundred and fifty-three—amended April sixteenth, one thousand eight hundred and fifty-eight.

Also, Senate bill No. 242, an Act to authorize the Common Council of the City of Los Angeles to extend the City limits.

Also, Senate bill No. 257, an Act to appropriate money for the improvement of the mad-houses, and other improvements, of the State Insane Asylum.

Also, Senate bill No. 273, an Act to authorize the San Francisco and Marysville Railroad Company to construct and maintain a railroad bridge across Feather River, and for other purposes.

Also, Senate bill No. 276, an Act supplementary to an Act fixing the time of holding the Court of Sessions, and County Court, in the County

of Tuolumne, approved March thirty-first, one thousand eight hundred and fifty-nine.

Also, Senate bill No. 277, an Act to legalize and confirm the election of County Surveyor of Butte County.

Also, Senate bill No. 290, an Act concerning the Commissioners of Election appointed under an Act entitled an Act to define the boundaries, and provide for the organization, of Mendocino County.

BERRY, Chairman.

Report accepted.

Mr. Wheeler, of a Special Committee, made the following report:

MR. PRESIDENT:—The delegation from Yuba County, to whom was referred Assembly bill No. 342, an Act relating to the care and treatment of the indigent sick in the County of Yuba, having had the same under consideration, hereby report it back, and recommend its passage, without amendment.

E. D. WHEELER, for Delegation.

Report accepted.

On motion of Mr. Wheeler, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Phelps, of the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—Your Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 66, an Act to alter and define the boundary-lines of Tehama County, have had the same under consideration, and report the bill back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill, as amended.

PHELPS, for the Committee.

Report accepted.

On motion of Mr. Phelps, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Phelps, of the San Francisco delegation, made the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred Senate bill No. 267, an Act to provide for the payment of coupons for interest to be issued under the provisions of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims of the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six, approved April twentieth, one thousand eight hundred and fifty-eight, have had the same under consideration, and report the bill back, and recommend its passage.

The delegation have also considered substitute for Assembly bill No. 279, an Act to confer further powers upon the Board of Supervisors of San Francisco, etc., and report the bill back, with amendment, and recommend its passage.

The delegation have also had under consideration Senate bill No. 280, an Act amendatory of an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to execute certain deeds, and cancel certain claims, and report the bill back, without amendments, and recommend its passage.

PHELPS, for the delegation.

Report accepted.

On motion of Mr. Williams, the rules were suspended, and Senate bill No. 280, "An Act amendatory of an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to execute certain deeds, and cancel certain claims," was taken up, rules further suspended, bill considered engrossed, read a third time, and passed.

Also, the rules were suspended, and Assembly bill No. 279, "An Act to confer further powers upon the Board of Supervisors of San Francisco," was taken up, read a third time and passed.

Also, the rules were suspended, and Senate bill No. 267, an Act to provide for the payment of coupons for interest to be issued under the provisions of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-eight," was taken up, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Phelps, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bills just passed.

Mr. Kirkpatrick, of the Sierra delegation, made the following report:

MR. PRESIDENT:—The undersigned, to whom was referred Assembly bill No. 159, entitled an Act to separate the offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra, have had the same under consideration, and would now report the same back, and recommend its passage, without amendment.

M. KIRKPATRICK, of the Twentieth District.

Report accepted.

On motion of Mr. Kirkpatrick, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. O'Farrell, of a Special Committee, made the following report:

MR. PRESIDENT:—The undersigned, of the Committee to whom was referred Assembly bill No. 309, entitled an Act to amend an Act to regulate fees in office, in certain Counties in this State, passed April twenty-eighth, one thousand eight hundred and fifty-seven, having considered the same, report it back, herewith, and recommend its passage.

D. S. GREGORY,
R. PACHECO,
O'FARRELL,
C. E. THOM,
R. A. REDMAN,
T. G. PHELPS,
J. M. McDONALD.

Report accepted.

On motion of Mr. O'Farrell, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

FURTHER REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 175, "An Act supplementary to an Act entitled an Act to

amend an Act to establish an Asylum for the Insane of the State of California."

Also, Senate bill No. 204, "An Act amendatory of an Act to amend an Act entitled an Act to establish an Asylum for the Insane of the State of California."

Also, Senate bill No. 242, "An Act to authorize the Common Council of the City of Los Angeles to extend the City limits."

Also, Senate bill No. 257, "An Act to appropriate money for the improvement of the mad-houses, and other improvements, of the State Insane Asylum."

Also, Senate bill No. 273, "An Act to authorize the San Francisco and Marysville Railroad Company to construct and maintain a railroad bridge across Feather River, and for other purposes."

Also, Senate bill No. 276, "An Act supplementary to an Act fixing the time of holding the Courts of Sessions, and County Court, in the County of Tuolumne."

Also, Senate bill No. 277, "An Act to legalize and confirm the election of County Surveyor of Butte County."

Also, Senate bill No. 290, "An Act concerning the Commissioners of Election appointed under an Act entitled "An Act to define the boundaries, and provide for the organization, of Mendocino County."

And find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

Mr. McDonald, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. President:—Your Committee on Commerce and Navigation, to whom was referred Senate bill No. 287, "An Act to provide for the appointment of a Board of Engineers for the survey of the water-front of the City of San Francisco, and a report as to a sea-wall along the same," have considered the same, and report it back—Messrs. Griffith, Wheeler, and Grant, recommend its passage; Mr. McDonald recommends the adoption of the accompanying amendments, and that it pass, as amended:

Amend section two, lines four and five, by striking out the words (viz.) "And one may be appointed by the San Francisco Dock and Wharf Company."

Strike out of line seventh, section two, the words "either of;" also, the word "two."

Strike out of eleventh line, same section, the words "five thousand," and insert "three thousand."

Strike out of section third, all down to the words "and sixty-six cents," in the fifth line.

Strike out of eighth line, section third, the words "a like sum," and insert the words "the sum of fifteen hundred dollars."

Strike out of section third, all after the word "appropriated," in the eleventh line

They have also had under consideration Senate bill No. 293, "An Act in relation to a sea-wall, or bulkhead, in the harbor and City of San Francisco," and report it back, without recommendation.

McDONALD, Chairman.

Report accepted, and with bills, placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, on yesterday, passed Senate bill No. 179, an Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in railroad companies.

Also, Senate bill No. 271, an Act to authorize the Board of Supervisors of the County of Yolo to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Also, Senate bill No. 272, an Act to authorize the Board of Supervisors of Solano County to take and subscribe two hundred and fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Also, Senate bill No. 278, an Act to authorize the parties therein named to construct and maintain a wharf.

Also, Senate bill No. 268, an Act amendatory of an Act to fix the compensation of the County Judge of Calaveras County, and the District-Attorney of Calaveras County, approved March thirteenth, one thousand eight hundred and fifty-seven.

Also, Senate bill No. 284, an Act for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State.

Also, with amendments, Senate bill No 286, an Act to appropriate money for the payment of a certain judgment against John B. Weller, and ask the concurrence of the Senate.

Also, adopted report of the Committee of Free Conference on Senate bill No. 131, an Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty.

Also, adopted Senate amendments to Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State.

Also, passed Assembly bill No. 380, an Act to audit and allow certain claims.

C. GILMAN, Clerk.

APRIL 15th, 1859.

Senate bill No. 286, an Act to appropriate money for the payment of certain judgments against John B. Weller, taken up, and the amendments of the Assembly concurred in.

Assembly bill No. 380, an Act to audit and allow certain claims, read first and second times, rules further suspended, bill read a third time, and passed.

Senate bill No. 268, an Act amendatory of an Act to fix the compensation of the County Judge of Calaveras County, and the District-Attorney of Calaveras County, approved March fifteenth, one thousand eight hundred and fifty-seven.

The Senate refused to concur in the Assembly amendments.

President in the Chair.

SPECIAL ORDER OF THE DAY.

Senate bill No. 237, an Act amendatory of an Act entitled "An Act concerning corporations," passed April twenty-second, one thousand eight hundred and fifty, considered in Committee of the Whole, and amended.

President *pro tem.* in the Chair.

IN SENATE.

Reported back.

The question being on concurring in the amendments made in Committee of the whole, the ayes and noes were demanded, by Messrs. Anderson, Parks, and Burton, and taken, with the following result: ayes, 13—noes, 13:

AYES—Messrs. Ballou, Berry, Burton, Dickinson, Kirkpatrick, Lansing, McDonald, Pacheco, Parks, Parker, Quinn, Titus, and Wheeler—13.

NOES—Messrs. Anderson, Allen, Baker, Bradley, Burch, Dent, Denver, Garter, Grant, Hamm, Holden, Merritt, and Price—13.

DECLINED—Mr. Williams.

So the Senate refused to concur in the amendments made in Committee of the Whole.

Mr. Titus moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Anderson, Parks, and Burton, and taken, with the following result: ayes, 15—noes, 13:

AYES—Messrs. Anderson, Allen, Baker, Bradley, Burch, Dent, Dickinson, Denver, Garter, Grant, Hamm, Holden, Merritt, O'Farrell, and Price—15.

NOES—Messrs. Ballou, Berry, Burton, Kirkpatrick, Lansing, McDonald, Pacheco, Parks, Parker, Quinn, Titus, Wheeler, and Williams—13.

So the Senate refused to indefinitely postpone the bill.

The bill was then ordered engrossed, and read a third time.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 15th, 1859.

To the Senate of California:

In compliance with the request of Messrs. Estill and McCauley, I transmit, herewith, a communication received to-day on the subject of State-prison affairs. It is of the last importance to the State that all the difficulties now existing in regard to the Prison should be speedily adjusted. So far as I am concerned, either one of the propositions submitted is acceptable. Your immediate attention is earnestly invoked to this important subject.

JOHN B. WELLER,

Communication, with accompanying papers, referred to the Committee on State-prison Affairs.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 15, 1859.

To the Senate of California:

I have to inform your honorable body that I have, this day, approved an Act concerning the Commissioners of Election, appointed under an Act to define the boundaries, and provide for the organization, of Mendocino County, approved March eleventh, one thousand eight hundred and fifty-nine.

JOHN B. WELLER.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate bill No. 246, an Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest, and find the same correctly engrossed.

BAKER, Chairman.

On motion of Mr. Burton, the vote by which Senate bill No. 246, an Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest, was ordered engrossed and read a third time, was reconsidered.

The bill was then considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Burton, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

INTRODUCTION OF BILLS.

Mr. Burch, by leave, introduced a bill for an Act to amend an Act entitled an Act to amend section one of an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax to be levied and collected upon foreign and inland bills, and other matters, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Burch, the rules were suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Mr. Ketcham, by unanimous leave, moved to take up Assembly bill No. 31, an Act to separate the office of Collector of Taxes from the office of Sheriff, of the County of Alameda.

Bill taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill considered engrossed, read a third time, and passed.

On motion of Mr. Ketcham, the rules were suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

On motion of Mr. Williams, the rules were suspended, and Assembly bill No. 303, an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments of Committee concurred in, bill read a third time, and passed.

On motion of Mr. Williams, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Mr. Pacheco offered the following resolution, which was laid on the table :

Resolved, That the Secretary of the Senate be, and he is hereby, instructed to incorporate in the Appendix-book to the Senate Journal, the Annual Report of the State Agricultural Society.

Mr. Lansing, by leave, introduced a bill for "An Act making appropriations for deficiencies made for the tenth fiscal year, ending the thirtieth day of June, one thousand eight hundred and fifty-nine."

Which was read a first and second times, rules suspended, considered engrossed, read a third time and passed.

On motion of Mr. Lansing, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Senate bill No. 297, "An Act to regulate proceedings in civil actions, in certain cases," was taken from file, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Anderson, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Mr. Kirkpatrick, by leave, introduced a bill for "An Act changing the time of assessing the value of the real and personal property, and collecting the taxes levied thereon, for State and County purposes."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Kirkpatrick, the rules were suspended, and the Secretary was directed to immediately transmit, to the Assembly, the bill just passed.

On motion of Mr. Lansing, the special order of the day was laid on the table.

On motion of Mr. Lansing, Assembly bill No. 370, "An Act to appropriate money to pay Joseph Nougues," was taken up, read a third time, and passed.

Mr. Kirkpatrick, of a Special Committee, made the following report :

MR. PRESIDENT:—Your Committee on Federal Relations, to whom was referred Assembly bill No. 376, entitled "An Act to authorize the Government of the State of California, in connection with the United States, to run and mark the boundary-line between the Territories of the United States and the State of California," have had the same under consideration, and would now report the same back, recommending its passage.

M. KIRKPATRICK, Chairman.

Report accepted.

On motion of Mr. Kirkpatrick, the rules were suspended, and the bill just reported was taken up, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Baker, Ballou, and Bradley, and taken, with the following result: ayes, 11—noes, 15:

AYES—Messrs. Allen, Bradley, Garter, Grant, Griffith, Kirkpatrick, Lansing, O'Farrell, Price, Titus, Williams—11.

NOES—Messrs. Anderson, Baker, Ballou, Berry, Burch, Burton, Dent, Denver, Hamm, Holden, Merritt, Parks, Parker, Phelps, and Quinn—15.

So the Senate refused to pass the bill.

Mr. Ballou gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Anderson, by leave, introduced a bill for "An Act to regulate and continue the lien of judgments recorded by the State."

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Anderson, the Forty-fifth Standing Rule of the Senate was suspended, and the bill just passed was transmitted to the Assembly

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 266, an Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty.

Also, Senate bill No. 289, an Act supplementary to, and explanatory of, an Act entitled an Act making certificates of purchase, or of location, evidence of title, approved April thirteenth, one thousand eight hundred and fifty-nine.

C. GILMAN, Clerk.

APRIL 15, 1859.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 261, an Act to audit certain claims.

Also, Assembly bill No. 387, an Act to authorize the issuance of a duplicate for a certain lost Controller's warrant.

Also, Assembly bill No. 125, an Act to regulate fees in office in the County of Nevada.

C. GILMAN, Clerk.

Assembly bill No. 387, an Act to authorize the issuance of a duplicate for a certain Controller's warrant, read first and second times, rules further suspended, bill read a third time, and passed.

Assembly bill No. 125, an Act to regulate fees in office, in the County of Nevada, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 83, an Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed May the eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight—

The question being on the adoption of the report made by the Committee on Commerce and Navigation, relative to the adoption of a substitute for the original bill, the ayes and noes were demanded, by Messrs. Griffith, Titus, and Grant, and taken, with the following result: ayes, 10—noes, 14:

AYES—Messrs. Baker, Berry, Dickinson, Denver, Garter, Holden, Kirkpatrick, Merritt, O'Farrell, and Parks—10.

NOES—Messrs. Anderson, Allen, Ballou, Bradley, Burton, Grant, Griffith, Ketcham, Lansing, Parker, Phelps, Titus, Wheeler, and Williams—14.

So the Senate refused to adopt the report of the Committee.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Grant, Griffith, and Berry, and taken, with the following result: ayes, 15—noes, 10:

AYES—Messrs. Anderson, Allen, Ballou, Bradley, Burton, Garter, Grant, Griffith, Ketcham, Lansing, Parker, Phelps, Titus, Wheeler, and Williams—15.

AYES—Messrs. Baker, Berry, Dickinson, Denver, Holden, Kirkpatrick, Merritt, O'Farrell, Parks, and Price—10.

DECLINED—Mr. Burch declined to vote.

So the bill passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed substitute for Assembly bill No. 349, an Act requiring the Controller of State to sign certain blanks, and to appoint a Deputy for that purpose.

C. GILMAN, Clerk.

APRIL 15, 1859.

Assembly bill No. 349, an Act requiring the Controller of State to sign certain blanks, and to appoint a Deputy for that purpose, read first and second times, and rules further suspended, bill read a third time, and passed.

On motion of Mr. Merritt, the rules were suspended, and Assembly bill No. 354, an Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to

create the County of Del Norte, to define its boundaries, and provide for its organization, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, bill read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Ketcham, Berry, and Bradley, and taken, with the following result: ayes, 10—noes, 12:

AYES—Messrs. Allen, Grant, Kirkpatrick, Lansing, McDonald, Merritt, Price, Titus, Wheeler, and Williams—10.

NOES—Messrs. Berry, Bradley, Burton, Dent, Dickinson, Griffith, Hamm, Ketcham, O'Farrell, Parks, Parker, and Phelps—12.

DECLINED—Messrs. Ballou, Burch, Garter, and Holden, declined to vote.

So the Senate refused to pass the bill.

Assembly bill No. 165, an Act to grant the right to construct and maintain a dam and lock across and in Napa Creek, read first and second times, rules further suspended, bill read a third time, and passed.

Mr. Allen moved to take up Senate bill No. 226, an Act creating an Insane Asylum at Marysville, Yuba County.

Which was lost.

Mr. Berry offered the following resolution, which was adopted:

Resolved, That the Enrolling Clerk be, and he is hereby, authorized to employ three additional Assistants, from and after this date, to be paid out of the Contingent Fund of the Senate, at the rate of eight dollars per day, each.

On motion of Mr. Wheeler, the rules were suspended, and Assembly bill No. 90, an Act to provide for improving the Navarra River, was taken up, read a third time, and passed.

Mr. Titus offered the following resolution, which was adopted:

Resolved, That David Williamson, Minute-Clerk of the Senate, be, and he is hereby, allowed two dollars per day, extra, from the commencement of the session, and the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Senate, for the same.

On motion of Mr. Williams, Senate bill No. 291, an Act to appropriate money to pay the claim of D. L. Mulford, was taken up.

Rules suspended, bill considered engrossed, and read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Parker, Quinn, and Wheeler, and taken, with the following result: ayes, 16—noes, 9:

AYES—Messrs. Berry, Bradley, Denver, Garter, Grant, Griffith, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, Merritt, Price, Quinn, Titus, and Williams—16.

NOES—Messrs. Anderson, Baker, Ballou, Dickinson, McDonald, Parks, and Wheeler—7.

So the bill passed.

Mr. Anderson moved to take from file Assembly bill No. 131, "An Act to prohibit gaming."

Which was lost.

Mr. Merritt moved to take from file Senate bill No. 287, "An Act to provide for the appointment of a Board of Engineers for the survey of the water-front of the City of San Francisco, and report as to a sea-wall along the same."

Lost.

Mr. Ballou introduced resolutions relative to the rights of the people in organized territories.

Mr. Anderson moved to dispense with the reading of the resolutions.

Upon which, the ayes and noes were demanded, by Messrs. Parker, Ballou, and Allen, and taken, with the following result: ayes, 18—noes, 11:

Ayes—Messrs. Anderson, Baker, Berry, Burch, Burton, Dent, Dickinson, Denver, Garter, Hamm, Holden, McDonald, Merritt, O'Farrell, Pacheco, Parks, Price, and Quinn—18.

Noes—Messrs. Allen, Ballou, Bradley, Grant, Griffith, Kirkpatrick, Parker, Phelps, Titus, Wheeler, and Williams—11.

So the reading was dispensed with.

Mr. Merritt moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Ballou, Kirkpatrick, and Burton, and taken, with the following result: ayes, 21—noes, 9:

Ayes—Messrs. Anderson, Baker, Berry, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Hamm, Holden, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Price, Quinn, and Titus—21.

Noes—Messrs. Allen, Ballou, Grant, Griffith, Kirkpatrick, Parker, Phelps, Wheeler, and Williams—9.

So the resolutions were laid on the table.

Mr. Dickinson gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken, on Assembly bill No. 354, "An Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization, approved March second, one thousand eight hundred and fifty-seven.

On motion of Mr. Burch, Senate bill No. 130, "An Act fixing the salaries of certain State officers, and employés," was taken from file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Burch, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary was instructed immediately to transmit, to the Assembly, the bill just passed.

On motion of Mr. Merritt, Senate bill No. 308, "An Act to provide for the payment of a Digest of the Decisions and Opinions of the Supreme

Court of the State of California, and for the distribution thereof," was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of Committee concurred in, rules further suspended, bill considered engrossed, read a third time.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. McDonald, Dickinson, and Bradley, and taken, with the following result: ayes, 19—noes, 10:

AYES—Messrs. Baker, Ballou, Berry, Burch, Dent, Grant, Griffith, Hamm, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parker, Phelps, Price, Titus, and Williams—19.

NOES—Messrs. Anderson, Allen, Bradley, Burton, Dickinson, Denver, Garter, Parks, Quinn, and Wheeler—10.

So the bill passed.

Mr. Baker gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Merritt moved to suspend all of the Standing Rules of the Senate, and that the Secretary be instructed to report, to the Assembly, Senate bill No. 308.

Upon which, the ayes and noes were demanded, by Messrs. Dickinson, Denver, and Baker, and taken, with the following result: ayes, 18—noes, 11:

AYES—Messrs. Ballou, Berry, Burch, Dent, Grant, Griffith, Hamm, Kirkpatrick, Lansing, Merritt, O'Farrell, Pacheco, Parker, Phelps, Price, Titus, Wheeler, and Williams—18.

NOES—Messrs. Anderson, Baker, Bradley, Burton, Dickinson, Denver, Garter, Holden, McDonald, Parks, and Quinn,—11.

It requiring a two-thirds vote, the Senate refused to suspend the rules.

Mr. Griffith moved to suspend the rules, and take from file Senate bill No. 293, "An Act in relation to a sea-wall, or bulk-head, in the harbor of San Francisco."

Which was lost.

On motion of Mr. Burch, the rules were suspended, and Assembly bill No. 353, "An Act providing for the election of a County Clerk and County Recorder, of Alameda County, and to separate their offices," taken up.

On motion of Mr. Burch, indefinitely postponed.

President *pro tem.* in the Chair.

Mr. Burton, by leave, introduced a bill for "An Act to provide for the payment of the monthly salary of the State-Registrar, from May eighth, one thousand eight hundred and fifty-eight, to March eighth, one thousand eight hundred and fifty-nine, as audited by the Board of Examiners."

Which was read first and second times, rules further suspended, bill considered engrossed, and read a third time.

The Senate then refused to pass the bill.

Mr. McDonald, of the Sacramento delegation, made the following report:

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Assembly bill No. 289, "An Act amendatory of, and supplementary to, an

Act, passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several acts amendatory and supplementary thereto; and to incorporate the City and County of Sacramento"—have had the same under consideration, and report it back, with amendments, and recommend its passage, as amended.

McDONALD,
PRICE.

Report accepted.

On motion of Mr. Price, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

On motion of Mr. Titus, the Senate adjourned.

Approved.

JOS. WALKUP, President of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

SATURDAY, April 16, 1859.

Senate met, pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Journals of Saturday read and approved.

On motion of Mr. Gregory, the reading of the Journals of Thursday, April fourteenth, and Friday, April fifteenth, was dispensed with.

On motion of Mr. Parker, the rules were suspended, and Assembly bill No. 179, an Act to confer further powers upon the Board of Education, and Treasurer, of the City and County of San Francisco, was taken from file, rules further suspended, bill read a third time, and passed.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

Mr. PRESIDENT:—Your Committee on Claims, to whom was referred the claim of Charles Smith, for services as Keeper of the Insane Asylum, in the month of May, one thousand eight hundred and fifty-eight.

And the claim of Henry Lewis, for services as Cook in the Insane Asylum, in the month of May, one thousand eight hundred and fifty-eight.

And the claim of David Weaver, County Assessor of Butte County.

Report the same back, with the following bill, and recommend its passage.

Also, the claim of D. J. Snyder, for expenses incurred in indexing the Journals of the Senate and Assembly, in the year one thousand eight hundred and fifty-eight.

Also, the claim of W. Grove Deal, for medical attendance to the sick of Sacramento, in the year one thousand eight hundred and forty-nine.

Report the same back, and recommend they be rejected.

Also, the claim of Ferris Forman and R. A. Thompson.

Report same back, and recommend the parties have permission to withdraw the same.

E. GARTER, Chairman.

Report accepted.

On motion of Mr. Garter, the rules were suspended, and the bill just

reported was taken up, read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Burton, no Senator was allowed more than five minutes to speak on any one question.

On motion of Mr. Thom, the rules were suspended, and Assembly bill No. 268, an Act concerning lawful fences in the Counties of San Bernardino, Colusa, Tehama, Shasta, and Placer, was taken from file, read a third time, and passed.

On motion of Mr. Dent, the rules were suspended, and the bill reported by the Committee on Claims—for an Act to appropriate money for the payment of certain claims—was taken up, read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Burton, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Senate, the bill just passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly, on yesterday, adopted the report of the minority of the Committee of Free Conference, on Senate bill No. 147, an Act to compensate the Warden of the State-prison.

C. GILMAN, Clerk.

April 16, 1859.

On motion of Mr. Burton, the Senate refused to concur in the adoption of the minority report on Senate bill No. 147, an Act to compensate the Warden of the State-prison.

On motion of Mr. Burton, a Committee of Free Conference was appointed, on part of the Senate, relative to the minority report on the above bill.

The Chair here announced the Committee of Free Conference, in accordance with the motion of Mr. Burton, consisting of Messrs. Burch, Quinn, and Phelps.

On motion of Mr. O'Farrell, Assembly bill No. 329, "An Act to provide for the location of school-land warrants, upon unsurveyed lands, and for the issuance of title for the same," was taken from the file, read a third time, and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,
April 15, 1859.

Mr. President:—The Assembly, on this day, passed Assembly bill No. 308, "An Act in relation to contracts, in certain cases, and to provide for the punishment of persons interested in the same."

Also, Assembly bill No. 137, an Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes, in the County of Nevada, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 358, an Act supplementary to an Act entitled

an Act to provide for the sale and reclamation of swamp and overflowed lands of this State, approved April first, one thousand eight hundred and fifty-eight.

Also, indefinitely postponed Senate bill No. 63, an Act to amend an Act entitled an Act relating to the Hospital affairs of Tuolumne County.

Also, passed Senate bill No. 205, an Act ceding jurisdiction to the United States, over certain lands.

Also, Senate bill No. 205, an Act to further define the duties of the State-Printer.

Also, Senate bill No. 265, an Act to authorize the Courts of Record of this State to admit E. G. Browne to practice as an Attorney and Counselor-at-Law.

Also, adopted Senate Concurrent-Resolution No. 34, "Asking Congress to donate to this State ten millions acres of arable land, in aid of a State Internal Improvement Fund."

And passed Senate Memorial No. 5, Memorial to the Congress of the United States, asking Congress to pass a law for the construction of a Pacific Railroad; also, asking for a grant of land to aid in the construction of railroads in this State.

And, also, on the fourteenth instant, passed Assembly bill No. 334, "An Act supplementary to, and amendatory of, the Act of April sixteenth, one thousand eight hundred and fifty, concerning crimes and punishments, and the Acts amendatory thereof."

And, Assembly bill No. 365, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one.

Also, concurred in Senate amendments to Assembly bill No. 165, an Act to grant the right to construct and maintain a dam and locks across and in Napa Creek.

Also, rejected, on the fourteenth instant, Senate bill No. 200, an Act to provide for a more thorough distribution of the Laws of this State.

Also, on yesterday, passed Senate bill No. 267, an Act to provide for the payment of coupons for interest to be issued under the provisions of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six, approved April twentieth, one thousand eight hundred and fifty-eight.

And Senate bill No. 303, an Act changing the time of assessing the value of the real and personal property, and collecting the taxes levied thereon, for State and County purposes.

C. GILMAN, Clerk.

Assembly bill No. 308, an Act in relation to contracts, in certain cases, and to provide for the punishment of persons interested in the same, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 365, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 137, an Act to repeal an Act entitled "An Act to extend the time for making the assessment and collection of taxes, in the County of Nevada," approved April twenty-sixth, one thousand eight

hundred and fifty-eight, read first and second times, and referred to the delegation from that District.

Assembly bill No. 358, an Act supplementary to an Act entitled "An Act to provide for the sale and reclamation of the swamp and overflowed lands of this State," approved April first, one thousand eight hundred and fifty-eight, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly bill No. 334, an Act supplementary to, and amendatory of, the Act of April sixteenth, one thousand eight hundred and fifty, concerning crimes and punishments, and Acts amendatory thereof, read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Griffith, the rules were suspended, and Assembly bill No. 379, "An Act to provide for the purchase or building of a turnpike road, in the County of Yolo, was taken up, read a third time, and passed.

REPORTS.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate bill No. 300, an Act to authorize P. H. Burnett and W. T. Barbour to bring suit against the State Controller, and for other purposes, have had the same under consideration, report the bill back, and recommend its indefinite postponement.

Senate bill No. 299, an Act to enable the minor heirs of José Joaquin Estudillo to convey real estate, have had the same under advisement, report the bill back, amended, and recommend its passage, as amended.

Amend by adding section three:

Section three—All bonds given, under the provisions of this Act, shall be in double the value of the property to be sold, with two or more sufficient sureties, who shall justify, as in cases of sureties to bonds of administrators.

Assembly bill No. 349, an Act to authorize the sale of real estate of the late Wm. E. P. Hartnell, deceased, have had the same under consideration, report the bill back, and recommend its passage.

Assembly bill No. 276, an Act to establish the rule of evidence to be observed in the Courts of Justice of this State, in certain cases, concerning titles to land, have had the same under consideration, report the bill back, and the majority recommend its indefinite postponement—Mr. Merritt dissenting.

Assembly bill No. 71, an Act amendatory of, and supplementary to, the Act entitled "An Act to regulate proceedings in civil cases, in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereto;

Also, Senate bill No. 298, an Act to enable certain minors therein named, to manage and control their property;

Also, Senate bill No. 292, an Act to provide for the settlement of controversies, arising out of a certain contract made on the twenty-sixth day of March, one thousand eight hundred and fifty-six, between R. M. Anderson, G. W. Whitman, and Henry Bates, Board of State-prison Commissioners, of the one part, and James M. Estill, of the other part;

Also, Assembly bill No. 319, an Act to authorize the sale of real estate, and the transfer of school-warrants, belonging to the estate of Peter Tracey, deceased;

Have had the same under consideration, report the four bills back, without recommendation.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Baker, pursuant to notice given on yesterday, moved to reconsider the vote by which Senate bill No. 308, "An Act to provide for the payment of a Digest of the Decisions and Opinions of the Supreme Court of the State of California, and for the distribution thereof," was passed.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Baker, and Burton, and taken, with the following result: ayes, 10—noes, 19:

AYES—Messrs. Anderson, Baker, Bradley, Burton, Dickinson, Garter, Gregory, Parker, Quinn, and Wheeler—10.

NOES—Messrs. Allen, Ballou, Burch, Dent, Grant, Griffith, Hamm, Holden, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Phelps, Price, Redman, Thom, Titus, and Williams—19.

So the Senate refused to reconsider the vote by which the bill passed.

On motion of Mr. Williams, the rules were suspended, and Assembly bill No. 203, "An Act to authorize the incorporation of Rural Cemetery Associations," was taken from unfinished business, read a third time, and passed.

Mr. O'Farrell offered the following resolution, which was adopted:

Resolved, That the Journal-Clerk be, and he is hereby, allowed thirty days after the adjournment of the Senate *sine die*, to complete the Journal, and Appendix to the Journal of the Senate, at its Tenth Session, and that the Secretary of State be instructed to compute the number of folios, and the amount of the same, and that, on his certificate to the Controller of State, of the amount due said Journal-Clerk, and that the Journal and Appendix are fully written up, the Controller of State is authorized and directed to draw his warrant in favor of said Journal-Clerk for the amount so allowed, out of the appropriation for copying done for the Senate.

Mr. Burch offered the following resolution, which was adopted:

Resolved, That the Secretary and Assistant-Secretary of the Senate be and they are hereby, allowed ten days, from and after the adjournment of the Senate *sine die*, in which to write up and perfect the Journals, and other business pertaining to their offices, and the Controller of State, on the certificate of the Secretary of State that the Journal, and Appendix to the Journal of the Tenth Session of the Senate, are entirely and fully written up, and, with all papers belonging to the State in the charge of said Secretary, are deposited in the office of the Secretary of State, the Controller is hereby authorized and directed to draw his warrants on the treasury, payable out of the Contingent Fund of the Senate, in favor of said Secretary and Assistant-Secretary, for their extra *per diem* hereby allowed.

On motion of Mr. Burton, the words "thirty days," were stricken out and the words "ten days," inserted.

The resolution, as amended, was then adopted.

On motion of Mr. Ballou, the rules were suspended, and Assembly bill No. 291, "An Act to provide for fixing the commencement of the terms of office, in the county of Butte," was taken from the file, read a third time, and passed.

On motion of Mr. Thom, the rules were suspended, and Assembly bill No. 340, "An Act to amend an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Insane Asylum, and State-prison," was taken from file, and considered in Committee of the Whole.

IN SENATE

Reported back, bill read a third time, and passed.

President *pro tem.* in the Chair.

Mr. Parks, of the Sutter delegation, made the following report:

Mr. President:—The Select Committee, consisting of the delegation of Sutter and Yuba Counties, to whom was referred Senate bill No. 288, have had the same under consideration, and recommend its passage, with the following amendment.

W. H. PARKS.

Report accepted.

On motion of Mr. Parks, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Ketcham, by leave, introduced a bill for an Act supplementary to, and amendatory of, an Act entitled an Act to establish a standard of weights and measures for this State, passed March fourteenth, one thousand eight hundred and fifty, and all Acts supplemental to, and amendatory thereof.

Which was read first and second times, considered in Committee of the Whole, and amended.

IN SENATE

Reported back, amendments of Committee concurred in.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Baker, Price, and Burton, and taken, with the following result: ayes, 28—noes, 10:

Ayes—Messrs. Anderson, Allen, Baker, Ballou, Berry, Bradley, Burch, Burton, Dickinson, Denver, Griffith, Hamm, Holden, Ketcham, O'Farrell, Pacheco, Parker, Phelps, Quinn, Thom, Titus, Wheeler, and Williams—28.

Noes—Messrs. Dent, Garter, Grant, Gregory, Kirkpatrick, Lansing, Merritt, Parks, Price, and Redman—10.

So the bill passed.

On motion of Mr. Ketcham, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit to the Assembly, the bill just passed.

Mr. Baker, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate bill No. 257, an Act amendatory of an Act entitled an Act con-

cerning corporations, passed April twenty-second, one thousand eight hundred and fifty, and find the same correctly engrossed.

BAKER, Chairman.

Report accepted.

Mr. Bradley, Chairman of the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The Committee on Military Affairs, to whom was referred Senate bill No. 295, an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in this State, have had the same under consideration, and report the bill back, and the undersigned, a majority of the Committee, recommend that it be indefinitely postponed.

BRADLEY, Chairman.
QUINN,
ANDERSON,
Of Committee.

Report accepted, and, with bill, placed on file.

Mr. Phelps offered the following resolution, which was adopted:

Resolved, That twenty-five hundred copies of the Report, and accompanying papers, of the State Agricultural Society, be printed for the use of the Senate, payable out of the Contingent Fund of the Senate, to be paid for on the certificate of the President of the Senate.

Resolved, That the Secretary of State be required to distribute the copies of the Report of the State Agricultural Society, in the same manner as the Laws are distributed, and to deliver twelve hundred copies to the State Agricultural Society, to be distributed under its direction.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
April 16, 1859.

MR. PRESIDENT:—The Assemby have, this day, passed Assembly bill No. 388, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands in this State, approved April twenty-first, one thousand eight hundred and fifty-eight.

Also, on the eleventh of April, passed Assembly bill No. 374, an Act to authorize William M. Stockton, natural guardian of Ellen, Frances Ann, George, and Mary Alice Stockton, to sell and dispose of their real estate and chattels real.

Also, on this day, passed Senate bill No. 228, an Act amendatory of, and supplemental to, an Act entitled an Act creating a State Land Office for the State of California, approved April tenth, one thousand eight hundred and fifty-eight.

C. GILMAN, Clerk of Assembly.

Assembly bill No. 388, "An Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight," read first and second times, rules further suspended, bill considered engrossed, read third time, and passed.

Assembly bill No. 374, "An Act to authorize William M. Stockton, natural guardian of Ellen, Frances Ann, George, and Mary Alice Stockton,

to sell and dispose of their real estate and chattels real," read first and second times, and referred to the Judiciary Committee.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

MR. PRESIDENT :—The Assembly have, this day, passed Senate bill No. 211, "An Act appropriating moneys for the benefit of certain Orphan Asylums in this State."

R. R. MACGILL, Assistant-Clerk.

Mr. Berry, of the Special Committee to visit the State-prison, made the following report, which was adopted :

MR. PRESIDENT :—Your Committee, appointed on March eighteenth, one thousand eight hundred and fifty-nine, "To visit the State-prison and examine all matters connected therewith," although unable, at the present time, to submit a full and final report upon all the matters which they consider this or some other Committee should examine and investigate, feel impelled by a sense of duty to the State, and to individuals, to submit this preliminary report :

The Committee have to say, that, immediately after their appointment, they proceeded to the Prison, at San Quentin, and organized ; that they found there a Committee on the part of the Assembly, engaged, as your Committee were informed, in taking an inventory of the property, prisoners, and effects of the Prison, which Committee, shortly after our arrival, commenced taking testimony, having the parties before them who were deeply interested in the investigation, and whose reputation, the result of their investigation, and that of your Committee, was calculated more immediately to effect ; and, also, the witnesses which your Committee desired to examine in pursuing the objects, and discharging the duties, imposed by the resolution appointing them.

Not being able to determine when it would be convenient and proper to continue our investigation, and not desiring to pursue it in the absence of the parties interested in it, deeming such a course might work serious injustice, and being fully convinced that a full and impartial examination could not be had in their absence ; and, finally, each of us having a duty to discharge to our respective constituencies, and the State at large, demanding our presence in the Senate, an adjournment to meet again at the call of the Chairman, was the only alternative left us.

Before leaving the Prison your Committee took the testimony of the following named persons : John C. Gordon, William J. Miller, José Garcia, Ygnacio Pacheco, and Charles W. Robinson, from which the conclusions are :

That there has been a decided improvement in the care and management of the prisoners and of the Prison-grounds ; that the prisoners are treated as well as their condition, and the police government necessary to their safe-keeping would require ; that the purchases of beef-cattle, for the consumption of the Prison, were made at the lowest cash-prices prevailing in the market, being five cents per pound, or less ; that one lot of cattle was bought, at five cents per pound for all that would weigh less than four hundred and eighty pounds per head, and twenty-four dollars per head for all those of that weight or more ; that the State had no brick on hand at the Prison about the twelfth of March, one thousand

eight hundred and fifty-eight; that about the first of May last, brick-making was commenced, and the whole number made and set in the kiln was nine million eight hundred and twenty-six thousand; that the number used in buildings and other improvements, in and about the Prison, since that date, was five hundred and sixty thousand, or between that and five hundred and seventy thousand; that the number shipped during the same time was four million nine hundred and ninety. The number of brick on hand, not used, at the Prison, was not ascertained.

Your Committee, although having unlimited authority to inquire, did not deem it their duty to extend their investigations beyond what they considered would be of interest to the whole public, and that which might affect the interests thereof; and, in pursuance of that course, did not discover that any indecent or immoral practices had been countenanced, or even tolerated, by any of the officers in charge of the Prison.

Your Committee have also extended their examination to the number and nature of the books of accounts kept at the Prison. They are:

First—The Commissary's books, which show the receipts and issues of all articles purchased and issued for consumption at the Prison while Gov. Walkup was personally in charge

The Warden's books show all moneys received, and the rate thereof, the sources from which received, all articles purchased, and the dates of the purchase, from whom purchased, and the price paid for the same.

The Superintendent of Labor's books and reports show all articles manufactured, all improvements made at and about the Prison, and all shipments of articles for sale.

The Police Officers' books show all prisoners received, discharged, escaped, pardoned, and a daily record of punishments inflicted.

These books we have seen, and are informed there are others that the Committee have not yet examined.

In addition to the foregoing, we find that vouchers, in duplicate, are on file at the Prison, and in the office of the Secretary of State, receipted in full for all purchases made for the Prison; we find that Governor Walkup refused to receive a single dollar from the Board of Directors without giving his receipts for the same, and that upon his final settlement with the Board, (January first, one thousand eight hundred and fifty-nine,) he settled in full for every cent so received, taking up at the time said receipts, and receiving in exchange therefor the receipt of the said Board, for all moneys received from the State, and proceeds of Prison labor.

Considering the duties of the different agents and officers at the Prison, we find the books, reports, and accounts and vouchers, kept at said Prison, by Governor Walkup, while in charge of the same, (and which system has, we believe, been continued since,) have been so systematized as make the checks and balances complete between the different departments thereof, and to render it (without a combination of all the parties—under the circumstances, quite improbable,) impossible for any one agent, or party, to wrong the State out of one cent of money, or a single article of property, and escape detection.

As a system, it appears to the Committee, to be the most perfect one that could have been adopted, reflecting alike credit upon the sagacity and steadfast integrity of the Chief-Warden, (Hon. Joseph Walkup,) who instituted it, and the Board of Directors in confirming it in practice.

The foregoing brief statement of facts, together with their expressed opinion, from all they have seen, that there is no cause of complaint against Governor Walkup, or any other Director, because of the pecuniary management of, or moral condition of the said Prison, but, on the

contrary, the people of this State have every reason to continue their confidence unshaken in the good faith of those officers, both as officers and gentlemen, is all the Committee are at this time able to submit, which is herewith respectfully done.

BERRY, Chairman.
BRADLEY,
JAMES ANDERSON.

TESTIMONY TAKEN BY STATE-PRISON SPECIAL COMMITTEE.

SAN QUENTIN, STATE-PRISON, March 21, 1859.

John C. Gordon, being duly sworn, says:

Examined by Mr. Anderson—Question.—Were you here on the fifth day of March, one thousand eight hundred and fifty-eight?

Answer.—No; I came here between the sixth and twelfth of March, and have been here ever since.

Question.—In what capacity were you in, when you first came, and after?

Answer.—Superintendent of Labor.

Question.—What improvements were made during the time Governor Weller had exclusive charge?

Answer.—I can not tell, exactly, without seeing a report; but three partitions were cut off, and made six rooms, in the main Prison building; the grading, sodding of the yard, and grading on the outside; also, cut the road on the South side, outside of the wall, and finished a road on the North side, outside of the wall, which was partly done by McCauley.

Question.—Was any account made of this work, and any report given of it, and if so, to whom?

Answer.—There was a monthly report made to the Governor of all the work done; Messrs. Webb and Quinton were here in January last, and examined the work, re-measured, and set a valuation on it; they are master builders in San Francisco.

Question.—Was any of this work you have been speaking of done by McCauley, or Estill?

Answer.—No, sir; it was all done since I came here, in March last; I was away a few weeks before McCauley was dispossessed.

Question.—What improvements have been made by the present State-prison Directors since the first day of May, one thousand eight hundred and fifty eight?

Answer.—The improvements made were those mentioned in the reports made to the present Legislature by the Board of Directors, and in the Joint-Report of the Committee of the State-prison; I had nothing to do with the valuation of the works mentioned in the report; the new Prison building has been nearly completed since those reports were made; but the work was all done under my direction, as Superintendent of Labor, and measured by myself and Captain Conner; no portion of these improvements were made by Estill and McCauley.

Question.—Had the State any brick on hand when you came to the Prison?

Answer.—No; the State had no brick; we were obliged to purchase brick to make the partition walls I have spoken of, in the main Prison.

Question.—When did you commence making brick at the Prison?

Answer.—About the last day of April, or the first day of May, one thousand eight hundred and fifty-eight.

Question.—How many brick have been made from that date up to the present time?

Answer.—The whole number of brick made, and set in the kiln, was nine million eight hundred and twenty-six thousand.

Question.—What number of brick has been used in and about the Prison, in buildings, and other improvements, since the first of May last?

Answer.—Five hundred and sixty thousand, or between that and five hundred and seventy thousand.

Question.—What number of brick has been shipped from the yard, or Prison?

Answer.—Four million nine hundred and ninety.

Question.—Have you had the sole and exclusive control of shipping the brick from the yard or Prison?

Answer.—I have the superintendence of shipping all brick, when present; when absent, my son, or Mr. Robinson, had charge of it. Mr. Robinson is my assistant. Governor Walkup never interfered in my control of shipping brick. No person else had the privilege to direct the same. No shipments have been made, to my knowledge, in any other way.

Question.—How many days do you think you have been absent from the Prison since the first of May last?

Answer.—I could not have been absent exceeding eight whole days, until the last three weeks. Very few shipments have been made during my absence.

Question.—What amount of money has been received for bricks by you, from the first to the eighteenth day of March, one thousand eight hundred and fifty-nine, inclusive.

Answer.—Six thousand four hundred and ninety dollars—of which five thousand dollars were received by Stout & Co, on a brick contract. By the terms of said contract, Stout & Co. were to keep the amount paid on the contract, three thousand dollars, in advance of the price of brick delivered to them, and that sum should be in part payment for the last brick delivered, in filling said contract. I have on hand three thousand one hundred and ten dollars, and have accounted for three thousand three hundred and eighty dollars, for which last-mentioned amount I have vouchers.

Question.—Have you seen all the beef-cattle that have been purchased for the Prison, since you have been here?

Answer.—I have seen all that have been driven here to the corral. I have seen the carcasses of some six or ten which were killed outside, and which were not driven into the corral, from the first of May to the first of January. The average weight (including all that is used,) is from four hundred and seventy-five to five hundred pounds, (475 to 500lb.) Those which have been purchased since that time, are young beeves, and average from four hundred and twenty to four hundred and fifty pounds, (420 to 450lb.)

Question.—So far as you know, do you think the prices reasonable and just, which were paid for the beeves?

Answer.—I think they were, and that they were lower than the majority of persons could purchase at, and lower than many rancheros around would sell for.

Question by Anderson.—Are you cognizant of any immoral or indecent practices done, or tolerated, by Lieutenant-Governor Walkup, here, at the Prison?

Answer.—No, sir; I know nothing of any such practices done by that officer, or tolerated by him in others, connected with the Prison. His

conduct has been as manly and gentlemanly, whilst in my presence, as any person I have ever been connected with, in business or otherwise.

Question by Anderson.—Have you ever seen, or known of, Governor Walkup cruelly beating, or directing others to punish, unnecessarily or cruelly, any convict at this Prison?

Answer.—I have not; he has never punished, at all, himself; punishments have been left to my discretion; I don't think I would punish without cause, or cruelly; we must punish some; discipline could not be maintained without it.

JOHN C. GORDON.

Subscribed and sworn to before me, March twenty-fifth, one thousand eight hundred and fifty-nine.

J. BERRY, Chairman of Committee.

MARCH 22, 1859.

William J. Miller, sworn:

Question.—Where do you reside?

Answer.—About nine miles from here, in Marin County.

Question.—What is your occupation?

Answer.—Ranching and stock-raising.

Question.—Have you, since the first of May last, sold to the Prison any beef-cattle? And if so, how many, and for what price?

Answer.—I sold two beef-cattle to General Harrison, at thirty dollars each, and received pay for them from Captain Gordon.

Question.—Where did you deliver the cattle?

Answer.—I delivered the cattle at my father's ranch, where I reside, and they killed them right there.

Question by Walkup.—Have you, or not, been familiar with the cattle that we purchased from Black and Pacheco, and if so, the prices paid? And whether the prices paid were not as low as other people were paying for similar cattle?

Answer.—I am familiar with the cattle, but do not know the prices paid for them by the State.

Question by Bradley.—What would you consider a reasonable price for those cattle at the time they were bought, say between May and February last?

Answer.—Between twenty-eight to thirty dollars per head.

Question by Berry.—Are you acquainted with the cattle business hereabouts, and do you know the current prices for beef cattle of this market?

Answer.—I am engaged in buying and selling cattle, and have been so engaged since the year one thousand eight hundred and forty-four—in California, generally, and in this vicinity all that time, except about a month I was absent at Fraser River; I believe I know the current prices.

Question by Bradley.—In making any of your sales to the Prison, was there ever any proposition made to you to sign for more money than you received, or to give any of the money back, when received, or to make any presents to any one; or, have you done any of these things without asking?

Answer.—No, sir.

Question by Berry.—Have you, during the time before specified, refused to sell the same quality of cattle as those purchased by the Prison, to agents from Black and Pacheco, for twenty-five dollars per head?

Answer.—I have refused to sell to the Prison at any such price.

WM. J. MILLER.

Subscribed and sworn to before me, March twenty-second, one thousand eight hundred and fifty-nine.

J. BERRY, Chairman Committee.

SAN QUENTIN, STATE-PRISON, March 22, 1859.

José Garcia, upon first being duly sworn, deposes and says, as follows: I am a resident of Marin County, and have lived here for eighteen years; I have sold cattle to the Prison; I have sold sixty-two large head and one small head; I delivered them in two lots, the first lot I delivered in November, one thousand eight hundred and fifty-eight, and the second lot I delivered either about the last of December, one thousand eight hundred and fifty-eight, or the beginning of January, one thousand eight hundred and fifty-nine; there were twenty-nine head in the first lot; I received for them twenty-three dollars and seventy-five cents per head; the second lot, I sold part of them by the head, and part by the pound; I got five cents per pound; that is all I ever sold to the State-prison; the cattle that I sold I don't know the average weight; some of the cattle brought me eighteen dollars, some more, and some less; the contract was, that those which weighed over four hundred and eighty pounds, I was to receive twenty-four dollars per head—under that weight, I was to receive five cents per pound; those that were killed were sold by weight; I saw them weighed; I don't know the exact amount of money I received for the cattle, but have received over thirteen hundred dollars; I received payment in full for all cattle sold to the Prison, according to contract; I have never paid, either directly, or indirectly, any money for commissions; I did not make the trade, myself, but know so through my brother, who is my partner.

JOSÉ GARCIA.

Subscribed and sworn to before me, March twenty-second, one thousand eight hundred and fifty-nine.

J. BERRY, Chairman of Committee.

STATE-PRISON, March 22, 1859.

Ignacio Pacheco, upon first being duly sworn, deposes and says: I am a resident of Marin County, and have resided here since the year one thousand eight hundred and twenty-six; have sold cattle to the State-prison at different times; have sold cattle at different prices; I sold, on the nineteenth of May, one thousand eight hundred and fifty-eight, twenty-four head, at twenty-eight dollars per head; June ninth, one thousand eight hundred and fifty-eight, twenty-five head, at twenty-five dollars per head; July first, one thousand eight hundred and fifty-eight, twenty-five head, at twenty-five dollars per head; on the second of March, one thousand eight hundred and fifty-nine, ten head, at thirty dollars per head; also, July twenty-second, one thousand eight hundred and fifty-eight, twenty-eight head, at twenty-five dollars per head; I have been paid in full for the same; I never paid any commission to any person whatever, for selling cattle to the State-prison; neither Major McKay, nor any other person, has ever spoken to me relative to what evidence I should give before this Committee; in selling to the Prison, I have rodeoed my

cattle, and the agents of the Prison have been to my place, and picked out the best cattle.

IGNO. PACHECO.

Sworn and subscribed to before me this twenty-second day of March, A. D., one thousand eight hundred and fifty-nine.

J. BERRY, Chairman of Senate Committee.

Charles W. Robinson, being sworn:

Question.—Where do you reside, and what is your occupation?

Answer.—I reside at the State-prison, and my occupation is Assistant-Superintendent of Labor at the Prison; I have resided here, in that capacity, since the first of May, one thousand eight hundred and fifty-eight.

Question.—When did Lieutenant-Governor Walkup come to the Prison to reside?

Answer.—He came about the first of last May.

Question.—Has he resided here continuously, ever since, and if so, what has his business been here?

Answer.—Yes; he has been here constantly, since, except one or two visits he made up the country, three or four days at a time; this was the case, until the convening of the Legislature; he has been, during all this time, acting as Chief-Warden, and in the immediate control of the Prison, and all Prison matters.

Question.—Have you any knowledge of any indecent and immoral practices done by that officer, or tolerated by him in others here, at the Prison, since he has been in charge of the institution?

Answer.—No, sir; I have not.

Question.—Have you ever seen that officer beat prisoners unmercifully, and without cause, or known him to direct or allow it to be done by others, under his control?

Answer.—I have not seen or known of him striking a prisoner since he has been here; he has directed punishments to be inflicted, but not unmercifully, or without good cause, and in my opinion he has not punished enough; the punishment was inflicted with a leather strap.

Question.—Do you know of any brick having been sold, by any officer or agent of the prison, and the proceeds of the sale of the same not accounted for?

Answer.—No, sir; I do not.

Question.—Do you know of any cheating or unfair dealing by any officer or agent of the State-prison, in the purchase of beef-cattle, or any other provisions purchased for the Prison?

Answer.—No, sir; I do not; I have not heard of any swindling or unfair dealing in the beef, or any other purchases.

Question.—Have any shipments of brick been made from the Prison, that were not made under the direction of Captain Gordon, or his son, or yourself, and if so, has all the brick shipped been properly accounted for?

Answer.—There has been no brick shipped, unless one of us three knowing it. There is a regular brick-book, kept here, and all the brick shipped is regularly noted down in that; the name of the vessel in which the cargo is placed; the quantity and quality of brick, and the point or person to whom they are shipped.

Question.—Have you acted as an employer of those in charge of the

State-prison, prior to the first of May last, and if so, from what time, and under whom?

Answer.—I came here, first, in April, one thousand eight hundred and fifty-four, and was then a guard, under Estill's administration; I continued in that capacity until McCauley came in, and I was then made a Keeper, and continued in that capacity until Governor Weller came into possession and control; I was then made Warden, and continued during the time he had exclusive control, to act as Warden; about the first of last May I was made Assistant-Superintendent of Labor, as I have before stated.

Question.—Do you know a prisoner named Jackaway? and if yes, state all you know about his service here.

Answer.—I know Jackaway; he came here, I think, in one thousand eight hundred and fifty-six, but won't be certain; McCauley first made him act as a Gate-Keeper; during the time McCauley was building the schooner William Hicks, Jackaway, Mullins, and Texas Jack, (all prisoners,) were sent from four to six miles from the Prison, to cut spars for the vessel; Mullins stole a rifle and ran away; the other two remained until they finished the work; McCauley afterwards sent Jackaway and a negro man, (convict,) to Hicks' ranch to live; the ranch is eighteen or twenty miles from the Prison; Jackaway remained there until Governor Weller, in March last, required me to have him come back to the Prison, which I did; the negro ran away; Jackaway, when he returned to the Prison, was employed outside the walls, herding stock, and working in the stable; he was never required to sleep inside the Prison-walls, but served his time out faithfully, and was, by the Governor, restored to citizenship.

Question.—Do you know of Governor Walkup taking Jackaway to any place to play the violin?

Answer.—I never knew Governor Walkup to take him to any place, either for that or any other purpose. The man who keeps the Point House used some times to have him come there for that purpose. He was allowed to go and come as he pleased, if he was on hand to do his work; and I had charge of the stock and stables, and know he was always on hand in the morning, and at his work, and was the most faithful prisoner we had about the Prison.

Question by Walkup.—Was there ever a female convict out of the Prison-yard after roll-call, from the first of May last to the present time?

Answer.—No, sir; there has never been any out after roll-call; roll-call is from four to six o'clock in the afternoon.

Question by Bradley.—Have there ever been any parties, or dances, during the last-mentioned period, within the limits of the Prison-grounds?

Answer.—No.

Question—Were you at any dance, or party, at any house in the vicinity of the Prison, within the past eleven months? and, if yes, in whose house, and what was the character of the people there?

Answer.—Yes; I have, at more than one time, during that period, been at parties at the Point House, in sight of the Prison. The house is kept by a Mr. Robinson, who has a wife, and three children. I know nothing against his, or any of his family's reputation. The people I met there were mostly strangers to me; some of them from San Francisco; others, citizens of Marin County; they behaved themselves with decency, and I do not know anything wrong with their reputations.

Question.—Did you see Lieutenant-Governor Walkup at those parties, or any of them, and, if so, what was his behavior?

Answer.—I have seen him there, at some of those parties; his behavior was very good, such as became a gentleman.

Question by Berry.—Have you, at any time, ever seen a female convict at any of those parties?

Answer.—I have never seen a female convict at any of those parties; they could not have been there.

Question by Walkup.—Did you ever see me at a party where either Jack Phillips' wife, or his daughter, or adopted daughter, were present?

Answer.—I never have.

Question by Walkup.—Do you believe you have attended all the parties in the vicinity of the Prison, that I have attended?

Answer.—I believe I have.

CHARLES W. ROBINSON.

Subscribed and sworn to before me, March twenty-fifth, one thousand eight hundred and fifty-nine.

J. BERRY, Chairman of Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 16, 1859.

To the Senate of the State of California:

I hereby inform your honorable body that I, on yesterday, approved "An Act amendatory of an Act to amend an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, one thousand eight hundred and fifty-three, amended April sixteenth, one thousand eight hundred and fifty-eight."

Also, an Act "to legalize and confirm the election of County Surveyor of Butte County."

Also, an Act "to authorize the San Francisco and Marysville Railroad Company to construct and maintain a railroad-bridge across Feather River, and for other purposes."

Also, an Act "to appropriate money for the improving of the madhouses, and other improvements, of the State Insane Asylum."

Also, an Act "supplementary to an Act entitled an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, one thousand eight hundred and fifty-four."

Also, an Act "supplementary to an Act fixing the time of holding the Courts of Sessions, and County Court, in the County of Tuolumne, approved March thirty-first, one thousand eight hundred and fifty-nine."

Also, an Act "to authorize the Common Council of the City of Los Angeles to extend the City limits."

I have, also, this day, (April sixteenth,) approved an Act "concerning roads and highways, in the City and County of San Francisco"

JOHN B. WELLER.

On motion of Mr. Ballou, the vote by which the Senate refused to pass Assembly bill No. 376, an Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the boundary-lines between the Territories of the United States and the State of California, was reconsidered.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Burch, Ballou, and Berry, and taken, with the following result: ayes, 18—noes, 15:

Ayes—Messrs. Anderson, Allen, Baker, Ballou, Burton, Dent, Dickinson, Garter, Grant, Griffith, Hamm, Holden, Pacheco, Parker, Phelps, Titus, Wheeler, and Williams—18.

Noes—Messrs. Berry, Bradley, Burch, Denver, Gregory, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Parks, Price, Quinn, and Redman—15.

So the bill passed.

On motion of Mr. Wheeler, the rules were suspended, and Assembly bill No. 269, an Act to authorize the sale of the real and personal property of the estate of George M. Birdsall, deceased, was taken from file, rules further suspended, bill read a third time, and passed.

On motion of Mr. Williams, Senate bill No. 299, an Act to enable the minor heirs of José Joaquin Estudillo, to convey real estate, was taken from file, amendments reported by the Committee adopted, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Williams, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to transmit, to the Assembly, the bill just passed.

On motion of Mr. Pacheco, the rules were suspended, and Senate bill No. 298, an Act to enable certain minors therein named to manage and control their property, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Pacheco, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to transmit, to the Assembly, the bill just passed.

Mr. Kirkpatrick offered the following resolution, which was adopted:

Resolved, That the Secretary of the Senate be authorized, and is hereby directed, to insert an enacting clause in Senate bill No. 303, an Act entitled an Act changing the time of assessing the value of the real and personal property, and collecting the taxes levied thereon, for State and County purposes, in the Counties of Sierra and Plumas.

Mr. Lansing presented certain accounts, which were referred to the Committee on Contingent Expenses.

Mr. Bradley offered the following resolution:

Resolved, That the amount of one hundred dollars be, and the same is hereby, allowed to the Sergeant-at-Arms, for postage used during the session, for the general use and benefit of the Senate, payable out of the Contingent Fund of the Senate.

On motion of Mr. Parker, the resolution was amended, by adding, after the words "one hundred," the words "and twenty-seven dollars and forty cents."

Which was adopted.

The resolution, as amended, was then adopted.

On motion of Mr. Burton, the rules were suspended, and Senate bill No. 250, an Act to authorize payment in full to be made for land purchased from the State of California, wholly or partly on credit, was taken

from file, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Redman, Chairman of the Committee on Education, made the following report:

MR. PRESIDENT:—Your Committee on Education, to whom was referred Assembly bill No. 233, "An Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal all former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five, report the same back—Messrs. Phelps and Redman recommend its passage; Messrs. Wheeler, Kirkpatrick, and Holden, make no recommendation.

R. A. REDMAN, Chairman.

Report accepted, and, with bill, placed on file.

On motion of Mr. Dickinson, the vote by which the Senate refused to pass Senate bill No. 354, "An Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization, approved March second, one thousand eight hundred and fifty-seven," was reconsidered.

The bill was then passed.

Mr. Ketcham offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms of the Senate be allowed six days, from the adjournment of the Legislature, to settle up the business pertaining to his office, and that the Controller be authorized to draw his warrants on the Contingent Fund for the same.

Mr. Ballou asked and obtained leave of absence, for Mr. Hart, for two days.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
April 16, 1859.

MR. PRESIDENT:—The Assembly have, this day, passed Assembly bill No. 357, "An Act to amend an Act entitled an Act to incorporate the town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight."

Also, substitute for Assembly bill No. 337, "An Act supplementary to, and amendatory of, an Act entitled an Act to allow Lindsey Carson to sell certain real estate, and to amend the title of the same."

Also, have, this day, adopted Assembly Concurrent-Resolution No. 48, relative to rescinding the resolution to adjourn *sine die*, on the eighteenth of April.

C. GILMAN, Clerk.

Assembly bill No. 357, "An Act to amend an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred fifty-eight," read first and second times, rules further suspended, bill read a third time, and passed.

Assembly bill No. 337, "An Act supplementary to, and amendatory of, an Act entitled an Act to allow Lindsey Carson to sell certain real estate, and to amend the title of the same," read first and second times, rules further suspended, bill read a third time, and passed.

Assembly Concurrent-Resolution No. 48, relative to rescinding the resolution to adjourn *sine die*, on the eighteenth of April, was taken up.

The question being on the adoption of the resolution, the ayes and noes were demanded, by Messrs. Titus, Williams, and Burton, and taken, with the following result: ayes, 10—noes, 23:

Ayes—Messrs. Allen, Ballou, Bradley, Burch, Garter, Grant, Gregory, Griffith, Holden, and Lansing—10.

Noes—Messrs. Anderson, Baker, Berry, Burton, Dent, Dickinson, Denver, Hamm, Ketcham, Kirkpatrick, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Quinn, Redman, Titus, Wheeler, and Williams—23.

So the Senate refused to adopt the resolution to rescind.

On motion of Mr. Griffith, Assembly bill No. 341, "An Act to authorize the issuance of duplicates for certain lost school-land warrants," read first and second times, rules further suspended, read a third time, and passed.

Mr. Gregory, by leave, introduced a bill for an Act amendatory of an Act entitled an Act to establish, support, and regulate common schools, passed May third, one thousand eight hundred and fifty-five.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Gregory, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary directed to immediately transmit, to the Assembly, the bill just passed.

Mr. Burton made a verbal report relative to all matters pertaining to the State-prison affairs.

Also, by leave, introduced a bill for "An Act to authorize John F. McCauley and James M. Estill to sue the State of California."

Which was read first and second times, rules further suspended, bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and amendments of Committee concurred in.

Mr. Titus moved to indefinitely postpone the bill.

Pending which, Mr. Bradley moved a call of the Senate.

Adopted.

Roll called.

Absent—Messrs. Ballou, Berry, Burch, Dickinson, Hamm, O'Farrell, Parker, and Thom.

Sergeant-at-Arms dispatched for absentees.

Messrs. Burch, O'Farrell, and Hamm, appearing at the bar of the Senate, were admitted.

On motion of Mr. Baker, further proceedings under the call were dispensed with, for the purpose of receiving a message from the Governor.

The question recurring on the motion of Mr. Titus to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Quinn, Burch, and Burton, and taken, with the following result: ayes, 20—noes, 11:

Ayes—Messrs. Anderson, Baker, Bradley, Burch, Burton, Dent, Dickinson, Denver, Garter, Ketcham, Kirkpatrick, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Redman, and Titus—20.

NOES—Messrs. Allen, Grant, Gregory, Griffith, Hamm, Holden, Lansing, Merritt, Price, Wheeler, and Williams—11.

So the Senate indefinitely postponed the bill.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 362, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons.

MACGILL, Assistant-Clerk.

APRIL 16, 1859.

Assembly bill No. 362, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons, read first and second times, rules further suspended, bill read a third time, and passed.

FURTHER REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of the State, for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive."

Also, Senate bill No. 289, "An Act supplementary to, and explanatory of, an Act entitled an Act making certificates of purchase, or of location, evidence of title," approved April thirteenth, one thousand eight hundred and fifty-nine.

Also, Senate bill No. 266, "An Act supplementary to an Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty.

Also, Senate bill No. 272, "An Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

Also, Senate bill No. 271, "An Act to authorize the Board of Supervisors of the County of Yolo to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

Also, Senate bill No. 284, "An Act to provide for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State."

Also, Senate bill No. 261, "An Act to audit certain claims."

Also, Senate bill No. 278, "An Act to authorize the parties therein named to construct and maintain a wharf."

Also, Senate bill No. 286, "An Act to appropriate money for the payment of a certain judgment against John B. Weller."

Also, Senate bill No. 228, "An Act amendatory of, and supplemental to, an Act entitled an Act creating a State Land Office for the State of

California," passed April tenth, one thousand eight hundred and fifty-eight, and find the same correctly enrolled.

BERRY, Chairman.

Report accepted.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 16, 1859.

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 270, an Act for the relief of F. W. Blake, W. B. Olmstead, H. W. Anderson, C. P. Rice, and the administrator of John Cole, deceased.

Also, on yesterday, passed Senate bill No. 170, an Act to provide for the issuance of patents to lands located with State school-land warrants, with amendments, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

Senate bill No. 170, an Act to provide for the issuance of patents to lands located with State school-land warrants, taken up, and Assembly amendments concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—The Assembly, on this day, passed Senate bill No. 264, an Act for the relief of Hiram McLaughlin.

Also, Senate bill No. 274, an Act to repeal the several Acts incorporating the city of Benicia, and to provide for the Government thereof.

Also, Assembly bill No. 375, an Act authorizing the Board of Supervisors of Del Norte County to levy a special tax, for County purposes.

Also, an Act concerning the offices of County Clerk, County Recorder, and Sheriff, of the County of Butte.

MACGILL, Assistant-Clerk.

APRIL 16, 1859.

Assembly bill No. 375, an Act authorizing the Board of Supervisors of Del Norte County to levy a special tax, for County purposes, read first and second times, and placed on file.

Assembly bill No. 385, an Act concerning the office of County Clerk, County Recorder, and Sheriff, of the County of Butte, read first and second times, and referred to Mr. Ballou.

On motion of Mr. Redman, the rules were suspended, and Senate bill No. 255, an act concerning roads and highways, in the County of Alameda, was taken from file, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Ketcham offered the following resolution, which was laid on the table:

Resolved, That when the Senate adjourns, it adjourns to meet at seven o'clock, this evening, and that, during the evening session, no business, other than what relates to State-prison matters, be considered.

On motion of Mr. Phelps, John Center was allowed to withdraw the papers relative to his claim.

Mr. Garter offered the following resolution, which was laid on the table:

Resolved, That Moses Scott, Jr., Clerk to the Senate Committee on Claims, for services to Joint Committee on Claims—also, for services to State-prison Committee, be allowed two dollars extra, per day, from the twenty-fifth of January, one thousand eight hundred and fifty-nine, and the Controller of State is hereby authorized to draw his warrant, on the Contingent Fund of the Senate, for the same.

Mr. Parker moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. McDonald, Dickinson, and Baker, and taken, with the following result: ayes, 18—noes, 14:

Ayes—Messrs. Anderson, Baker, Berry, Burton, Dickinson, Denver, Kirkpatrick, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Quinn, Redman, Titus, and Williams—18.

Noes—Messrs. Allen, Bradley, Burch, Dent, Garter, Grant, Gregory, Griffith, Hamm, Holden, Ketcham, Lansing, Merritt, and Wheeler—14.

So the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. Palmer, Secretary of the Senate.

IN SENATE.

Monday, April 18, 1859.

Senate met, pursuant to adjournment.
President in the chair.
Roll called.
Journals of Friday read and approved.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly, this day, passed, with amendments, Senate bill No. 302, an Act making appropriations for the tenth fiscal year, ending the thirtieth of June, one thousand eight hundred and fifty-nine, and ask the concurrence of the Senate.

C. GILMAN, Clerk.

April 16, 1859.

Senate bill No. 302, an Act making appropriations for the tenth fiscal year, ending the thirtieth day of June, one thousand eight hundred and fifty-nine, was taken up, and the amendments of Assembly concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
April 18, 1859.

MR. PRESIDENT:—The Assembly, on the fourteenth instant, passed Assembly bill No. 300, an Act for the government of the State-prison, and creating a Director, and defining his powers and duties, and to repeal an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Also, on Saturday, the sixteenth instant, passed Senate bill No. 297, an Act to regulate proceedings in civil actions, in certain cases.

Also, Assembly Concurrent-Resolution No. 49, relative to the War Debt.

Also, Senate bill No. 216, an Act to enable the State of California to receive the benefit of the swamp and overflowed lands within the State, with amendments, and ask the concurrence of the Senate.

Also, Senate bill No. 180, an Act to amend an Act entitled "An Act for the government and protection of Indians," passed April twenty-second, one thousand eight hundred and fifty, with amendments, and ask the concurrence of the Senate.

Also, indefinitely postponed Senate bill No. 71, an Act to authorize the establishment of County infirmaries, for the relief of the indigent, and to amend an Act entitled "An Act to provide for the indigent sick, in the Counties of this State.

C. GILMAN, Clerk Assembly.

On motion of Mr. Burton, the rules were suspended, and Assembly bill No. 300, "An Act for the government of the State-prison, and creating a Director, and defining his powers and duties, and to repeal an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight," was taken up, and considered in Committee of the Whole.

Pending which, Mr. O'Farrell, of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT:—The Committee on Public Expenditures have examined the accounts of the Secretary of the Senate, for copying into the Journal of the Senate, and Appendix to the same, and for the Printer, and beg leave to present the accompanying report of the number of folios, and the amounts allowed for the same.

GRIFFITH,
O'FARRELL,
BERRY,
Of Committee on Public Expenditures.

STATE OF CALIFORNIA,

To E. C. PALMER, Secretary of Senate, Dr.,

To copying into Senate Journal, from pages 809 to 838, inclusive, 210 folios, at 15 cents per folio.....	$31 50

To copying into Appendix to Senate Journal, from pages 168 to 216, inclusive, 635 folios, at 15 cents per folio	95 25
To copying 845 folios for Printer, at 10 cents per folio	84 50
Total	$211 25

Examined, audited, and allowed.

GRIFFITH,
O'FARRELL,
BERRY,
Of Committee on Public Expenditures.

On motion of Mr. O'Farrell, the rules were suspended, and the report just read was taken up, and adopted.

Mr. Garter, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred the Claim of John Perry, Jr., for two State seven-per-cent. bonds, issued in the year one thousand eight hundred and fifty-five, and numbered five hundred and fifty-two, and five hundred and fifty-three, for one thousand dollars each, report same back, and recommend that the Secretary of the Senate be authorized to return the same to the State Board of Examiners, and recommend that State bonds be issued in the place of same, by the Treasurer of State, whenever an indemnity bond, approved by the Board of State Examiners, be delivered to them by the said John Perry, Jr., or his attorney.

E. GARTER, Chairman.

On motion of Mr. Garter, the rules were suspended, and the report just read was taken up, and adopted.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—The Committee on Contingent Expenses have had under consideration the following bills, which they have examined, and report the same back, with the recommendation that they be allowed:

Napa Reporter	$3 00
Red Bluff Beacon	6 00
Wm. Dougherty, (for sundry papers,)	13 12
Southern Vineyard	3 00
Placer Press	3 00
Amador Ledger	3 00
Mariposa Democrat	3 00
Folsom Dispatch	3 00
Grass Valley National	3 00
San José Tribune	3 00
Shasta Republican	6 00
Nevada National	3 00
Sierra Democrat	6 00

Shasta Courier	9 00
Nevada Journal	6 00
San Joaquin Republican	8 62
Eco del Pacifico	7 50
Wells, Fargo & Co., for two hundred and fifty franks	25 00
Democratic Standard	18 00
Stockton Democrat	7 50
C. Rave, (locks and repairs,)	7 25
Sacramento Post-office	48 89
McNab & Lewis, (newspapers,)	27 00
J. H. Mason, (newspapers,)	5 25
Daily Bee Office, (newspapers,)	5 00
George I. Lytle, (newspapers,)	42 54
Butte Record, (newspapers,)	12 50
Union Democrat, (newspapers,)	42 50
Daily Register, (newspapers,)	5 00
A. S. Randall & Co., (newspapers,)	23 32
Sierra Citizen, (newspapers,)	14 00

C. J. LANSING, Chairman.

APRIL 18, 1859.

On motion of Mr. Lansing, the rules were suspended, and the report just read, was taken up and adopted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have, on the sixteenth instant, presented to the Governor the following bills:

Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive."

Also, Senate bill No. 289, "An Act supplementary to, and explanatory of, an Act entitled an Act making certificates of purchase, or of location, evidence of title," approved April thirteenth, one thousand eight hundred and fifty-nine.

Also, Senate bill No. 266, "An Act supplementary to an Act concerning crimes and punishments," passed April sixteenth, one thousand eight hundred and fifty.

Also, Senate bill No. 272, "An Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

Also, Senate bill No. 271, "An Act to authorize the Board of Supervisors of the County of Yolo to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

Also, Senate bill No. 284, "An Act for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties of this State."

Also, Senate bill No. 261, "An Act to audit certain claims."

"Also, Senate bill No. 278, "An Act to authorize parties therein named to construct and maintain a wharf."

Also, Senate bill No. 286, "An Act to appropriate money for the payment of a certain judgment against John B. Weller."

Also, Senate bill No. 228, "An Act amendatory of, and supplementary to, an Act entitled an Act creating a State Land Office for the State of California," passed April tenth, one thousand eight hundred and fifty-eight.

BERRY, Chairman.

Report accepted.

FURTHER REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and find correctly enrolled:

Senate bill No. 170, "An Act to provide for the issuance of patents to lands located with school-land warrants."

Also, Senate bill No. 179, "An Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in Railroad Companies."

Also, Senate bill No. 205, "An Act ceding jurisdiction to the United States over certain lands."

Also, Senate bill No. 211, "An Act appropriating moneys for the benefit of certain Orphan Asylums in this State."

Also, Senate bill No. 235, "An Act to further define the duties of State-Printer."

Also, Senate bill No. 249, "An Act to empower M. G. Vallejo to convey certain real estate."

Also, Senate bill No. 264, "An Act for the relief of Hiram McLaughlin."

Also, Senate bill No. 265, "An Act to authorize the Courts of Record of this State to admit E. G. Browne to practice as an Attorney and Counselor-at-Law."

Also, Senate bill No. 267, "An Act to provide for the payment of coupons for interest to be issued under the provisions of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six, approved April twentieth, one thousand eight hundred and fifty-eight."

Also, Senate bill No. 270, "An Act for the relief of F. W. Blake, W. B. Olmstead, H. W. Anderson, C. P. Rice, and the administrator of John Cole, deceased."

Also, Senate bill No. 274, "An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof."

Also, Senate bill No. 297, "An Act to regulate proceedings in civil actions, in certain cases.

And, also, Senate bill No. 303, "An Act changing the time of assessing the value of the real and personal property, and collecting the taxes levied thereon, for State and County purposes, in the Counties of Sierra and Plumas."

And, your Committee presented all the bills, herein before mentioned, to His Excellency, the Governor, for his approval, as of the date of Satur-

day, the sixteenth day of April, A. D. one thousand eight hundred and fifty-nine, at four o'clock, P. M.

Your Committee have also examined, and find correctly enrolled:

Senate Memorial No. 5, memorializing the Congress of the United States to pass a law for the construction of a Pacific Railroad; also, asking for a grant of land to aid in the construction of Railroads in this State."

Also, Senate Concurrent-Resoluion No. 34, asking Congress to donate to this State ten millions acres of arable land, in aid of a State Internal Improvement Fund.

Also, Senate bill No. 302, "An Act making appropriations for deficiencies made for the tenth fiscal year, ending the thirtieth day of June, one thousand eight hundred and fifty-nine.

BERRY, Chairman.

Report accepted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1859.

To the Senate of California:

I have to inform your honorable body that, on Saturday last, I approved an Act "supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty."

Also, an Act "amendatory of, and supplemental to, an Act entitled an Act creating a State Land Office for the State of California, passed April tenth, one thousand eight hundred and fifty-eight."

Also, an Act "to audit and allow certain claims."

Also, an Act "for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State."

Also, an Act "to appropriate money for the payment of a certain judgment rendered against John B. Weller."

Also, an Act "to empower M. G. Vallejo to convey certain real estate."

Also, an Act "to further define the duties of State-Printer."

Also, an Act "ceding jurisdiction to the United States, on certain lands."

Also, an Act "for the relief of F. W. Blake, Wm. R. Olmstead, H. N. Anderson, C. P. Rice, and the administrator of John Cole, deceased."

Also, an Act "to authorize the Courts of Record of this State to admit E. G. Browne to practice as an Attorney and Counselor-at-Law."

Also, an Act "changing the time of assessing the value of the real and personal property, and collecting the taxes levied thereon, for State and County purposes, in the Counties of Sierra and Plumas."

I have, also, this day, (April eighteenth,) approved an Act "to repeal the several acts incorporating the City of Benicia, and to provide for the Government thereof."

Also, an Act "to regulate proceedings in civil actions, in certain cases."

Also, an Act "for the relief of Hiram McLaughlin."

Also, an Act "to provide for the payment of coupons for interest, to be issued under the provisions of an Act entitled "An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they

existed prior to the first day of July, one thousand eight hundred and fifty-six, approved April twenty-sixth, one thousand eight hundred and fifty-eight."

JOHN B. WELLER.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1859.

To the Senate of California:

I have to inform your honorable body that I have, this day, approved an Act appropriating moneys for the benefit of certain Orphan Asylums in this State.

Also, that on Saturday last, I approved "An Act to authorize the Counties of the State of California to become stockholders in Railroad Companies."

Also, an Act making appropriations for the support of the Civil Government of the State, for the eleventh fiscal year, commencing on the first day of July, one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive.

Also, "An Act to authorize the Board of Supervisors of the County of Yolo to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of of the same, and other matters relating thereto."

Also, "An Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

Also, "An Act to change the name of Julien Nueschwander."

I have to remark, that in many of these bills there are clerical errors which ought to have been corrected before presentation to me, but I have not felt at liberty to withhold my approval on that account. In some of them, words have been erased, and others substituted, whether with or without the consent of the Legislature I can not determine. Sixty-five bills, some of them of great length, were placed in my hands on Friday, Saturday, and Sunday. Of this number thirty-eight were delivered on yesterday, and notwithstanding I devoted the whole of Sunday to their consideration, I find, this morning, that it is physically impossible to read, much less understand, them all. The inclosed list will show your honorable body the number and character of the bills which I have been able to read by the titles only. It is probable that nearly all these would have received my approval, if an opportunity had been afforded to examine them.

But it will be seen by their titles that many of them are of an important character, and require investigation. As a matter of course, it can not be expected that I will approve an Act until I comprehend its contents. As I learn, (unofficially, however,) that the Legislature is about to adjourn, I have deemed it my duty to advise you of these facts.

There is another subject to which I must respectfully call your attention. I have made every effort in my power to secure the passage of some law which would settle the State-prison difficultes. But the Legislature is about to adjourn without disposing of this question, and, under the decision of the Supreme Court, (unless reversed on re-hearing,) the

Prison, in a few days, will again pass into the hands of the lessee, McCauley. In the meanwhile, the Governor, and some of his friends, who happened to be with him when he took possession, under the order of the last Legislature, will be harassed with law-suits.

The system of leasing the convicts, and giving the control of them to private individuals, is as obnoxious to the people as it is to me, and I must earnestly invoke your honorable body to take the necessary steps to prevent this calamity. To suffer that Prison to fall again into the hands of lessees, will in my opinion, be a disgrace to the State.

The State has already expended a large sum of money in an effort to break up this system, and I hope the good work will not be abandoned.

There is still another subject to which I must call your attention. There are outstanding Controller's warrants, and audited claims against the State, amounting to some one hundred and seventy-five thousand dollars, for the payment of which no provision has been made. The honor of the State demands that some Act should be passed to satisfy these just demands.

It may not be amiss to add, that during the past three months, nearly six hundred convicts, at San Quentin, have been almost wholly unemployed, because of the failure of the Legislature to authorize the Directors to purchase or condemn lands adjacent to the Prison.

JOHN B. WELLER,

LIST OF ACTS IN THE HANDS OF THE GOVERNOR, UNDISPOSED OF.

An Act amendatory of, and supplementary to, an Act, passed April the twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento."

An Act "to alter and define the boundary-lines of Tehama County."

An Act "supplementary to, and explanatory of, an Act entitled an Act making certificates of purchase, or of location, evidence of title, approved April thirteenth, one thousand eight hundred and fifty-nine."

An Act "granting the consent of the Legislature to the formation of a different Government for Southern Counties of this State."

An Act "to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the boundary-lines between the Territories of the United States, and the State of California."

An Act "to grant the right to construct and maintain a dam and lock across and in Napa Creek."

An Act "to improve the navigation of San Antonio Creek, in the County of Alameda."

An Act "to provide for improving Navarra River."

An Act "amendatory of, and supplementary to, an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven."

An Act "to amend an Act entitled an Act to establish Pilots, and Pilot-regulations, for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight."

An Act "to audit and allow certain claims accruing under the provisions of an Act approved April twenty-eighth, one thousand eight hundred

and fifty-five, entitled an Act to provide for the survey and construction of a wagon-road over the Sierra Nevada mountains."

An Act "concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou."

An Act "to confer further powers on the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned."

An Act "to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado."

An Act "amendatory of an Act entitled an Act amendatory of, and supplementary to, an Act entitled an Act to incorporate the City of Marysville, approved March third, one thousand eight hundred and fifty-seven, approved April twenty-fifth, one thousand eight hundred and fifty-seven."

An Act "to authorize the parties therein named to construct and maintain a wharf."

An Act "to appropriate money to pay Joseph Nougues."

An Act "to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka."

An Act "for the relief of William A. King, County-Treasurer of Mariposa County."

An Act "to legalize a certain conveyance made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre."

Mr. Wheeler offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that the Concurrent-Resolution on adjournment, heretofore adopted, be, and the same is hereby, rescinded, and that this Legislature do adjourn *sine die* on Wednesday, the twentieth instant, at two o'clock, P. M.

Mr. Ballou offered the following, as a substitute, which was adopted:

Resolved, By the Senate, the Assembly concurring, that Senate Concurrent-Resolution fixing the day of adjournment on this day, the eighteenth instant, be, and the same is hereby, rescinded.

Resolved, further, By the Senate, the Assembly concurring, that the Legislature of the State of California will adjourn on Tuesday, April nineteenth, at twelve o'clock, *sine die*. *And, further*, that no business shall be transacted after twelve o'clock, M., of this day, except to receive and consider messages from the Governor.

Mr. Phelps offered the following amendment to the substitute of Mr. Ballou:

Resolved, further, That no bill shall hereafter be presented to the Governor, for his approval, except the same is relative to State-prison matters, or Acts making appropriations.

Mr. Griffith moved to amend the amendment, by striking out the word "hereafter," and inserting "after this day."

Upon which, the ayes and noes were demanded, by Messrs. Burton, Phelps, and Griffith, and taken, with the following result: ayes, 8—noes, 25:

AYES—Messrs. Allen, Ballou, Bradley, Grant, Griffith, Hart, Merritt, and Wheeler—8.

NOES—Messrs. Anderson, Baker, Berry, Burch, Burton, Dent, Dickinson, Denver, Garter, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Price, Quinn, Redman, Titus, and Williams—25.

So the amendment was lost.

The amendments offered by Mr. Phelps were then adopted.

Mr. Phelps moved to amend, by striking out the "twentieth instant," and inserting the words "Tuesday, April nineteenth, at twelve o'clock, M.

Upon which, the ayes and noes were demanded, by Messrs. Phelps, Grant, and Parks, and taken, with the following result: ayes, 18—noes, 14:

AYES—Messrs. Anderson, Baker, Berry, Burch, Burton, Dent, Dickinson, Denver, Hamm, McDonald, Pacheco, Parks, Parker, Phelps, Quinn, Redman, Titus, and Williams—18.

NOES—Messrs. Allen, Ballou, Bradley, Garter, Grant, Griffith, Hart, Holden, Ketcham, Lansing, Merritt, O'Farrell, Price, and Wheeler—14.

So the amendment was adopted.

Mr. Pacheco moved to indefinitely postpone the resolution, with amendments.

Upon which, the ayes and noes were demanded, by Messrs. Pacheco, Griffith, and Lansing, and taken, with the following result: ayes, 16—noes, 17.

AYES—Messrs. Anderson, Baker, Berry, Burton, Dent, Dickinson, Denver, Ketcham, McDonald, Pacheco, Parks, Phelps, Quinn, Redman, Titus, and Williams—16.

NOES—Messrs. Allen, Ballou, Bradley, Burch, Garter, Grant, Griffith, Hart, Hamm, Holden, Kirkpatrick, Lansing, Merritt, O'Farrell, Parker, Price, and Wheeler—17.

So the motion to indefinitely postpone was lost.

Mr. Berry moved to strike out the word "to-morrow," and insert the words "this day."

Adopted.

Mr. Parks moved that the whole subject-matter be laid on the table.

Upon which, the ayes and noes were demanded, by Messrs. Griffith, Pacheco, and Phelps, and taken, with the following result: ayes, 16—noes, 17:

AYES—Messrs. Anderson, Baker, Burton, Dent, Dickinson, Kirkpatrick, McDonald, Pacheco, Parks, Parker, Phelps, Price, Quinn, Redman, Titus, and Williams—16.

NOES—Messrs. Allen, Ballou, Berry, Bradley, Burch, Denver, Garter, Grant, Griffith, Hart, Hamm, Holden, Ketcham, Lansing, Merritt, O'Farrell, and Wheeler—17.

So the motion to lay the whole subject-matter on the table was lost.

Mr. Denver offered the following, as a substitute, which was adopted:

Resolved, By the Senate, the Assembly concurring, that the Concurrent-Resolution to adjourn *sine die* on the eighteenth day of April, at two o'clock, P. M., be rescinded, and that the Legislature of the State of California do adjourn *sine die* on Tuesday, April nineteenth, at twelve o'clock, M., and that no bill shall hereafter be delivered to the Governor, except bills relating to the State-prison matters, or appropriations.

The question being on the adoption of the resolution, the ayes and noes were demanded, by Messrs. Burton, Lansing, and Baker, and taken, with the following result: ayes, 23—noes, 7:

AYES—Messrs. Anderson, Allen, Baker, Ballou, Bradley, Burch, Dent, Dickinson, Denver, Garter, Grant, Griffith, Hart, Hamm, Holden, Lansing, O'Farrell, Parker, Phelps, Price, Redman, Wheeler, and Williams—23.

NOES—Messrs. Berry, Burton, McDonald, Merritt, Pacheco, Parks, and Titus—7.

DECLINED—Messrs. Ketcham and Quinn.

So the resolution was adopted.

Mr. Garter, of the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims, to whom was referred reports from the President of the Board of Examiners of claims against the State, presented before them, report the same back.

Also, the claim of C. K. Bears, and others, against the State, report the same back, as no final action has been taken by your Committee on the same.

E. GARTER, Chairman.

Report accepted.

Mr. Pacheco offered the following resolution, which was laid on the table:

Pesolved, That A. H. Halstead, Clerk of the Senate, be, and he is, allowed the sum of one dollar per day, extra, from the commencement of the session, payable out of the Contingent Fund of the Senate, and the Controller of State is hereby authorized to draw his warrant for the same.

On motion of Mr. Garter, the vote by which the resolution relative to allowing the Secretary and Assistant-Secretary of the Senate ten days extra pay, after the adjournment of the Senate, for settling up the business of the Senate, was reconsidered.

The resolution was then amended, allowing twenty days to each of them.

The resolution, as amended, was then adopted.

On motion of Mr. Phelps, the resolution allowing Moses Scott, Jr., two dollars per day, extra, was taken from the table.

The question being on the adoption of the resolution, the ayes and noes were demanded, by Messrs. McDonald, Wheeler, and Baker, and taken, with the following result: ayes, 8—noes, 13:

Ayes—Messrs. Baker, Burton, Dickinson, Garter, Grant, Kirkpatrick, Parker, and Phelps—8.

Noes—Messrs. Anderson, Allen, Berry, Burch, Dent, Denver, Hamm, Holden, Ketcham, McDonald, Parks, Quinn, and Wheeler—13.

So the resolution was lost.

Mr. Burton offered the following resolution, which was adopted:

Resolved, That E. E. Eyre be, and he is hereby, allowed three days, at ten dollars per day, for assistance rendered the Secretary of the Senate, and the Controller of State be authorized and directed to draw his warrant in favor of said Eyre, for the amount, on the Contingent Fund of the Senate.

Mr. Anderson made a verbal report on Senate bill No. 92, "An Act for the formation of a corporation for the erection of a public market in the City of Los Angeles;"

Also, on Senate bill No. 136, "An Act entitled an Act authorizing the construction of a telegraph-line from the City of Sacramento to the eastern boundary-line of this State," without recommendation.

Mr. Burch, Chairman of the Judiciary Committee, made the following report:

Mr. President:—I, as Chairman of the Judiciary Committee, received from the Secretary, by order of the Senate, Assembly bills, as follows:

No. 365, to amend Civil Practice Act.

No. 334, supplementary to Crimes and Punishment Statute.

No. 308, in relation to contracts.

No. 374, to authorize Wm. Stockton to sell certain property.

Not having time to act thereon, I report them back to the Senate.

BURCH, Chairman.

Report accepted, and, with bills, placed on file.

Mr. Griffith, by leave, introduced a bill for an Act making appropriations for the payment of rewards by the Governor.

Which was read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

Mr. Quinn offered the following resolution, which was adopted:

Resolved, That the State-prison Investigating Committee, consisting of Messrs. Berry, Anderson, and Bradley, be, and they are hereby, authorized to continue their investigations, after the adjournment of the Legislature, as to all matters connected with State-prison management, with full power to appoint a Clerk, to send for persons and papers, and to publish the result of their investigations.

Resolved, That the Board of Prison Directors are hereby authorized to pay, out of the Prison Fund, the members of said Committee, and Clerk, at the rate of ten dollars per day for the number of days they may be actually engaged, not to exceed ten.

FURTHER CONSIDERATION OF ASSEMBLY MESSAGE.

Senate bill No. 180, "An Act to amend an Act entitled an Act for the government and protection of Indians," passed April twenty-second, one thousand eight hundred and fifty, was taken up.

The Senate refused to concur in Assembly amendments.

Senate bill No. 216, "An Act to enable the State of California to receive the benefit of the swamp and overflowed lands within her limits," taken up, and the Senate refused to concur in the Assembly amendments.

Further consideration of Assembly bill No. 300, "An Act for the government of the State-prison, and creating a Director, and defining his powers and duties, and to repeal an Act for the government of the State-prison, and to provide for the location of a Branch-prison," approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Bill considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, and read a third time.

Mr. Titus moved to lay the bill on the table.

Adopted.

Mr. Ballou offered a Concurrent-Resolution relative to geological survey of the State.

Which was adopted.

Mr. Phelps presented certain papers, and bills, and moved that they be placed on file.

Adopted.

Mr. Holden, Chairman of the Committee on Public Lands, made the following report:

MR. PRESIDENT:—The Committee on Public Lands report back Senate bills Nos. 68 and 191, without recommendation.

HOLDEN, Chairman.

Report accepted.

FURTHER REPORT FROM THE COMMITTEE ON PUBLIC LANDS.

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands report, to the Senate, Assembly bill No. 358, without recommendation.

HOLDEN, for Committee.

Report accepted.

Mr. Kirkpatrick presented certain resolutions and papers.

Which were laid on the table.

Mr. Pacheco presented certain bills and papers.

Which were laid on the table.

Mr. Merritt offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. Joseph Walkup, the presiding officer of this body, for the faithful, able, and impartial manner in which he has discharged the duties of the office.

Journals of Saturday read and approved.

President in the Chair.

Mr. Baker offered the following resolution:

Resolved, That it is with unfeigned regret we have read the bitter personal attacks of a portion of the daily press of San Francisco, upon our associate, the Hon. Gilbert A. Grant, of that City, with reference to his

course upon Senate bill No. 40, an Act in relation to a sea-wall, or bulkhead, in the City of San Francisco; knowing them to be undeserved, we take this method to express our confidence in, and respect for, that gentleman, and to bear testimony, as well to the honorable and upright manner in which we believe he has discharged every duty of his position as to the uniform courtesy which has ever characterized his intercourse with us, and moreover, to assure him that, on retiring from his seat in the Senate, he bears with him the highest respect and kindest feelings of his brother Senators.

Upon which, the ayes and noes were demanded, by Messrs. Baker, Kirkpatrick, and Griffith, and taken, with the following result: ayes, 29—noes, none:

Ayes—Messrs. Anderson, Allen, Baker, Ballou, Berry, Burch, Burton, Dent, Dickinson, Denver, Garter, Griffith, Hamm, Holden, Ketcham, Kirkpatrick, Lansing, McDonald, Merritt, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Redman, Titus, Wheeler, and Williams—29.

Noes—None.

So the resolution was adopted.

FURTHER MESSAGE FROM THE ASSEMBLY.

Mr. President:—The Assembly have, this day, passed Senate bill No. 314, an Act making appropriations for the payment of rewards offered by the Governor.

MACGILL, Assistant-Clerk.

In Assembly, April 18th, 1859.

FURTHER MESSAGE FROM THE ASSEMBLY.

Assembly Chamber,
April 18th, 1859.

Mr. President:—The Assembly have, this day, concurred in Senate Concurrent-Resolution No. 39, relative to adjournment *sine die*.

C. GILMAN, Clerk.

FURTHER MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, April 18, 1859.

To the Senate of California:

I have to inform your honorable body that I, this day, approved the following bills, to wit:

An Act for the relief of Hiram McLaughlin.

An Act to provide for the payment of coupons, "for interest," to be issued under the provisions of an Act entitled "An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first of July, one thousand eight hundred and fifty-six, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

An Act to regulate proceedings in civil actions, in certain cases.

An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof.

And, on Saturday, the sixteenth instant, an Act changing the time of assessing the value of the real and personal property, and collecting the taxes levied thereon, for State and County purposes, in the Counties of Sierra and Plumas.

An Act to authorize the Courts of Record of this State to admit E. G. Browne to practice as an Attorney and Counselor-at-Law.

An Act for the relief of F. W. Blake, William B. Olmstead, H. W. Anderson, C. P. Rice, and the administrator of John Cole, deceased.

An Act ceding jurisdiction to the United States over certain lands.

An Act to further define the duties of State-Printer.

An Act to empower M. G. Vallejo to convey certain real estate.

Also, this day, an Act for the relief of Wm. A. King, County Treasurer of Mariposa County.

An Act supplementary to, and explanatory of, an Act entitled "An Act making certificates of purchase, or of location, evidence of title," approved April thirteenth, one thousand eight hundred and fifty-nine.

JOHN B. WELLER.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, passed Senate bill No. 246, an Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest.

C. GILMAN, Clerk.

APRIL 18, 1859.

Mr. Burton in the Chair.

RESOLUTIONS.

Mr. Merritt offered the following resolution:

Resolved, That Adolphus Wagner be, and he is, allowed two hundred and fifty dollars, for reading the proof of the Governor's Message, and Appendix, in German, at the State-Printer's Office, and that the same be paid out of the Contingent Fund of the Senate.

Which was laid on the table.

Mr. Merritt offered the following resolution:

Resolved, That A. J. Ellis be, and is hereby, allowed the sum of two dollars per day, as extra pay, as Clerk of Judiciary Committee, from January eleventh, one thousand eight hundred and fifty-nine, to the day of final adjournment, payable out of the Contingent Fund of the Senate, and the Controller be, and is hereby, authorized to draw his warrant for said purposes.

Which was referred to the Committee on Swamp and Overflowed Land.

President *pro tem.* in the Chair.

Mr. Dickinson moved that the Senate take a recess to eight o'clock, this evening.

Upon which, the ayes and noes were demanded, by Messrs. Berry, Merritt, and Baker, and taken, with the following result: ayes, 14—noes, 10:

AYES—Messrs. Anderson, Baker, Ballou, Dickinson, Denver, Grant, Holden, Kirkpatrick, McDonald, Parks, Parker, Phelps, Titus, and Williams—14.

NOES—Messrs. Allen, Berry, Burch, Burton, Dent, Garter, Hamm, Ketcham, Redman, and Wheeler—10.

So the motion prevailed.

EVENING SESSION.

The Senate re-assembled at eight o'clock, P. M.

Roll called.

Quorum present.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate bill No. 309, "An Act appropriating money to pay certain claims."

Also, Senate bill No. 310, "An Act appropriating money to pay certain claims."

Also Senate bill No. 314, "An Act making appropriations for the payment of rewards offered by the Governor."

And find the same correctly enrolled.

Your Committee also presented all the bills, hereinbefore mentioned, to His Excellency, the Governor, for his approval, on this day.

BERRY, Chairman.

Mr. Berry offered the following resolution, which was adopted.

Resolved, That the thanks of the Senate are due, and hereby tendered, to the Secretary, Assistant-Secretary, Enrolling-Clerk, Engrossing-Clerk, Sergeant-at-Arms, and Assistant-Sergeant-at-Arms, for the faithful and efficient manner in which they have, at all times during the present session, discharged the duties of their respective offices.

Mr. O'Farrell asked and obtained indefinite leave of absence, for Mr. Gregory.

Mr. Anderson offered the following resolution, which was adopted:

Resolved, That the thanks of the Senate be extended to the Hon. W. B. Dickinson, for the able and impartial manner in which he has discharged the duties of President *pro tem.* during the present session of the Legislature, and that in parting with him, at the close of his Senatorial term, we beg leave to assure him of the warm appreciation of the excellence of his public and private character.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have, this day, passed Senate bill No. 309, an Act to appropriate money to pay certain claims.

Also, Senate bill No. 310, an Act to appropriate money to pay certain claims.

Also, have laid on the table Senate Concurrent-Resolution No. 41, relative to the geological survey of the State.

Also, concurred in Senate amendments to Assembly Concurrent-Resolution No. 49, relative to the war debt.

Also, on yesterday, refused to pass Senate bill No. 234, an Act authorizing the constructing of wharves at the foot of certain streets, in the City and County of San Francisco.

Also, to-day, refused to pay Senate bill No. 291, an Act to appropriate money to pay the claim of D. L. Mulford.

Also, have rejected Senate bill No. 308, an Act to provide for the payment of a Digest of the Decisions of the Supreme Court of the State of California, and for the distribution of the same.

R. R. MACGILL, Assistant-Clerk.

IN ASSEMBLY, April 18, 1859.

Mr. Burton moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Lansing, Burton, and O'Farrell, and taken, with the following result: ayes, 19—noes, 16:

AYES—Messrs. Anderson, Allen, Burton, Dent, Dickinson, Garter, Hamm, Holden, Ketcham, McDonald, Pacheco, Parks, Quinn, Titus, and Williams—15.

NOES—Messrs. Baker, Berry, Denver, Griffith, Lansing, O'Farrell, Parker, Phelps, Redman, and Wheeler—10.

So the Senate adjourned.

Approved.

W. B. DICKINSON,
President *pro tem.* of the Senate.

Attest: E. C. PALMER, Secretary of the Senate.

IN SENATE.

TUESDAY, April 19, 1859.

Senate met, pursuant to adjournment.
President in the Chair.
Roll called.
President *pro tem.* in the Chair.
Journals of yesterday read and approved.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 19, 1859.

To the Senate of California:

I have to inform your honorable body that I have, to-day, approved an Act "making appropriations for deficiencies made for the tenth fiscal year, ending the thirtieth day of June, one thousand eight hundred and fifty-nine."

Also, an Act "to authorize the parties therein named to construct and maintain a wharf."

Also, an Act "making appropriations for the payment of rewards offered by the Governor."

Also, an Act "to appropriate moneys to pay certain claims."

Also, an Act "to appropriate moneys to pay certain claims."

Also, an Act "to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-Prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest."

I also approved, on the sixteenth day of April, an Act "to provide for the issuance of patents to lands located with State school-land warrants, and for lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight."

It is proper to remark, that the State-prison Fund is only some eight thousand dollars, and, without an additional appropriation, the Act in regard to the Prison, which I have this day approved, will be wholly inoperative.

JOHN B. WELLER.

Mr. Ballou presented petitions from citizens of Plumas County; also, certain bills of Senator Hart.

Which were laid on the table.

Mr. Pacheco returned certain bills.

Which were laid on the table.

Mr. Garter offered the following resolution, which was adopted:

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Senate, for the sum of two hundred dollars, to pay M. Scott, Jr., for services as Clerk to the Joint Committee on State-Prison.

REPORT FROM COMMITTEE ON CLAIMS.

Mr. Garter also presented a report from the Committee on Claims.

Which, on motion of Mr. Burton, was accepted, and directed to be recorded in the Journals.

STATEMENT

Of Claims presented before the Senate and Assembly Committee on Claims, at the Tenth Session of the Legislature of the State of California.

No.	Name of Claimant.	For what Purpose.	Amount claimed.	Allowed in cash.	Allowed audited.	Amount rejected.	Total amount.
1	James Thompson, Sheriff	For transporting Prisoners from Los Angeles to State-prison, in 1858	$835 25			$835 25	
2	Cyril Hawkins	For completing Assembly Journals, in 1858, being balance due	103 58	$103 58			$103 58
3	F. S. McKenzie	For Pay due as State-prison Director, in the months of January, February, and March, 1857	673 52	673 52			673 52
4	Sacramento Daily Bee	For Papers furnished Senate and Assembly, Ninth Session	17 50	17 50			17 50
5	F. E. Corcoran	For Superintendent and Architect at Insane Asylum, in 1856 and 1857	1,200 00	200 00	$1,000 00		1,200 00
6	Alexander Bell	For Pay due as State-prison Director in the months of January, February, and March, 1857	673 52	673 52			673 52
7	Peter H. Burnett	For services as Justice of Supreme Court, being back salary	1,860 22	1,860 22			1,860 22
8	W. V. Fisher	For Milk furnished Insane Asylum, in 1858	562 00	562 00			562 00
9	C. T. Meader & Co	For Groceries, etc., furnished Insane Asylum, in 1856 and 1857	528 56	508 09	20 47		528 56
10	J. M. North	For Vegetables furnished Insane Asylum, in May, 1858	50 93	50 93			50 93
11	T. Robinson Bours & Co., Assignees	For Pay to sundry Persons, for services and articles furnished Insane Asylum, 1858	2,790 58	2,790 58			2,790 58
12	John Gross & Co	For Bread supplied Insane Asylum, in 1856, 1857, and 1858	4,734 94	2,926 80	1,808 14		4,734 94
13	Wm. Ward	For Beef furnished Insane Asylum, in 1857 and 1858	2,869 98	2,869 98			2,869 98
14	Fox & O'Connor	For Wines and Liquors furnished Insane Asylum, in 1856 and 1857	335 00	173 00	162 00		335 00
15	Wm. Gravatts	For services as Steward in the Insane Asylum, in the year 1858	250 00	250 00			250 00
16	T. Robinson Bours & Co., Assignees	For Groceries and Services rendered Insane Asylum, in 1858	872 63	872 63			872 63
17	Luchsinger & Hubbard	For Bedding, etc., furnished Insane Asylum, in 1856 and 1858	689 66	481 91	207 75		689 66
18	D. J. Oullahan	For Stove-wood furnished Insane Asylum, in 1858	134 00	134 00			134 00
19	Mills & Doll	For Hardware, Tin-ware, etc., furnished Insane Asylum, in 1856 and 1858	550 94	495 07	55 87		550 94
20	Nash & Beamis	For Boots and Shoes supplied Insane Asylum, in 1856 and 1858	398 85	368 35	30 50		398 85

21	H. T. Booraem	For Volume VIII, Supreme Court Reports	2,000 00	2,000 00			2,000 00
22	A. H. Estill and C. Forman	For writing up Journals of the Senate, 1858	270 00	270 00			270 00
23	Richard Savage	For balance due writing Journals of the Assembly, 1858	103 58	103 58			103 58
24	J. T. Ewing	For Pay due as Assistant-Secretary of the Senate, 1858	330 00	330 00			330 00
25	J. P. Christy	For services as Steward to Insane Asylum, in January, 1857	100 00	100 00			100 00
26	R. W. Noble	For Butter and Eggs furnished Insane Asylum, in March and May, 1858	112 83	112 83			112 83
27	John B. Houche	For Groceries supplied Insane Asylum, 1858	163 82	163 82			163 82
28	James Gallagher	For Legal Services to the State, in Trinity County	641 75	425 75		216 00	425 75
29	Isador Cohen, Assignee	For services rendered Insane Asylum, in 1858	382 50	382 50			382 50
30	John Dillon, Assignee	For Clothing, Vegetables, and Supplies, furnished Insane Asylum, in 1856 and 1857	661 92	268 64	393 28		661 92
31	L. C. Van Allen	For Books and Stationery furnished Insane Asylum, in 1856 and 1857	250 94	170 94	80 00		250 94
32	C. T. Winster	For services at State Insane Asylum, in 1857 and 1858	383 00	383 00			383 00
33	Gray & Hickman	For Supplies furnished Insane Asylum, in 1858	921 96	921 96			921 96
34	Sanders & Hickman	For Hardware supplied Insane Asylum, in 1856 and 1858	424 28	51 32	372 96		424 28
35	Louis Vilbac	For Vegetables supplied Insane Asylum, in 1856, 1857, and 1858	184 09	156 89	27 20		184 09
36	Wm. M. Ryer	For Groceries supplied Insane Asylum, in 1858	1,051 36	1,051 36			1,051 36
37	M. L. Bird & Co	For Plows, Harness, etc., furnished Insane Asylum, in 1857 and 1858	133 25	133 25			133 25
38	E. L. Holden	For Drugs, Medicines, etc., furnished Insane Asylum, in 1856	132 32		132 32		132 32
39	Simpson & Gray	For Lumber furnished Insane Asylum, in 1856 and 1857	173 57	42 71	130 86		173 57
40	Timothy Paige	For Lumber supplied Insane Asylum, in 1857 and 1858	601 56	601 56			601 56
41	Eldridge & Brothers	For Vegetables delivered Insane Asylum, in 1856, 1857, and 1858	720 42	435 01	285 41		720 42
42	S. Selig & Co	For Tobacco furnished Insane Asylum, in March and May, 1858	32 92	32 92			32 92
43	Stockwell & Underhill	For Dry-goods furnished Insane Asylum, in 1858	124 33	124 33			124 33
44	Jesse Atwill	For services as Watchman to Insane Asylum in 1858	180 00	180 00			180 00
45	Hale & Wheeler	For Vegetables furnished Insane Asylum, in 1858	296 35	296 35			296 35
46	Charles Benjamin	For services of self and wife to Insane Asylum, 1857	135 00	135 00			135 00
47	Bisayno & Brothers	For Groceries supplied Insane Asylum, in 1858	71 00	71 00			71 00
48	Roland & McCahill	For Dry-goods supplied Insane Asylum, in 1858	67 10	67 10			67 10
49	Charles P. Greely	For Hardware supplied Insane Asylum, in 1858	257 95	209 62		48 33	257 95
50	E. P. Langley & Co	For Medicines furnished Insane Asylum, in 1858	227 86	227 86			227 86
51	Kierski & Bro	For Stationery furnished Insane Asylum, in 1858	46 00	46 00			46 00
52	John W. Hart	For Blacksmithing at Insane Asylum, in 1858	124 27	124 27			124 27
53	W. W. Webster	For Merchandise furnished Insane Asylum, in 1856 and 1858	130 96	106 91	24 05		130 96
54	Luchsinger & Co	For Mattresses furnished Insane Asylum, in 1858	53 44	53 44			53 44

STATEMENT—[CONTINUED.]

Of Claims presented before the Senate and Assembly Committee on Claims, at the Tenth Session of the Legislature of the State of California.

No.	Name of Claimant.	For what Purpose.	Amount claimed.	Allowed in cash.	Allowed audited.	Amount rejected.	Total amount.
55	Mills & Doll	For Work done and Material furnished Insane Asylum, in 1858	$233 93	$233 93			$233 93
56	Volney Cushing	For Castings furnished Insane Asylum, in 1858	78 00	78 00			78 00
57	M. A. Algio	For Work done to the Insane Asylum, in 1858	40 30	40 30			40 30
58	Geo. H. Sanderson	For Groceries and Crockery-ware furnished Insane Asylum, in 1856 and 1858	73 50	10 00	$ 63 50		73 50
59	R. R. Maurice	For Goods supplied Insane Asylum in 1856 and 1857	63 00	10 00	53 00		63 00
60	O. C. Gage	For Supplies furnished Insane Asylum, in 1856 and 1858	85 04	77 54	7 50		85 04
61	Timothy Paige	For Paints furnished Insane Asylum, in 1856 and 1858	302 02	268 02	34 00		302 02
62	J. N. Bingay	For Services as Assistant-Clerk to the Assembly, (Ninth Session.)	126 60	126 60			126 60
63	J. S. Gillan	For services as Clerk in Controller's office, January and February, 1858	400 00	400 00			400 00
64	J. W. Seobey	For balance due as Chief-Clerk of the Assembly, 1858	138 00	138 00			138 00
65	Thos. N. Cazneau	For extra services as Secretary of the Senate, (Ninth Session.)	360 00	360 00			360 00
66	H. H. Whitman	For balance due as Clerk in Controller's office, March, April, May, and June, 1858	280 00	280 00			280 00
67	Wm. H. Crowell	For amount due as Clerk in District Court, Solano County, 1858	54 95	54 95			54 95
68	Chas. D. Cushing	For services rendered to Legislature, Ninth Session, 1858	45 51	45 51			45 51
69	Austin E. Smith	For State Loan Bond, issued in 1851, and interest on same	198 30		198 30		198 30
70	Wadsworth & Johnson	For Work done at Insane Asylum, in 1856	20 00		20 00		20 00
71	Claim of J. M. Anderson	For Punctuating and Writing Journals of Assembly, 1856	1,280 00		1,280 00		1,280 00
72	O. D. Avaline	For Advertising Proclamations, 1856 and 1857	66 25	10 00	23 00	$33 25	66 25
73	Jno. P. Riley	For Medical Services rendered in Small-pox Hospital, San Francisco, in 1852 and 1853	1,777 68			1,777 68	
74	R. P. Lee	For Examination of the Books of ex Treasurer McMeans	896 00	896 00			896 00
75	A. R. Melony	For salary as Controller of State, from 26th April, to 11th October, 1858	1,604 17			1,604 17	
76	Gray & Hickman	For Blankets supplied Insane Asylum, in November, 1858	136 25	136 25			136 25

77	E. G. Moreto	Daily Eco del Pacifico, furnished to Senators, Eighth Session.)	8 50	8 50		8 50
78	Claim of Augustus Miller	For services as Cook to Insane Asylum, March, 1858	29 00	29 00		29 00
79	John C. Boggs	For arresting Convict named Thomas Lawrence, June 15th, 1858	50 00	50 00		50 00
80	Marks & Brother, Assignees	For Groceries, etc., furnished Insane Asylum, in 1856 and 1858	92 77	39 50	53 27	92 77
81	Saml. Warren	For Wood furnished State-prison, in 1855. [This claim was paid last year.—See Statutes of 1858.]	4,372 50		$4,372 50	
82	Cohen & Co	For Blankets furnished Insane Asylum, in November, 1856	173 25		173 25	173 25
83	D. H. Whipley	For Supplies furnished to soldiers, during Squatter Riot, in Sacramento, in the month of August, 1850, and interest on same	1,853 00		1,853 00	
84	J. J. LeCount	For Stationery, etc., furnished Supreme Court, in 1856	491 00		491 00	491 00
85	H. M. Fanning	For removing Main Wing of Insane Asylum, in August, 1856	700 00		700 00	700 00
86	J. O'Connor	For services at State-prison, as Superintendent, in January, February, and March, 1856	150 00		150 00	
87	J. J. Ames	For publishing the Proclamation of the Governor, in 1856, in San Diego Herald	90 00		23 75	66 25 23 75
88	J. Searls	For Milk furnished State Insane Asylum, in 1856—October and November	137 25		137 25	137 25
89	B. C. Newcomb	For Furniture furnished Legislature, in 1856	191 00			191 00
90	Michael Fennel	For losses sustained on account of depreciation of State warrants issued for building North Wing of Insane Asylum	6,000 00	6,000 00		6,000 00
91	Joseph Nougues	For Labor and Material furnished for the building of the State-Capitol, in Sacramento, in the years 1856 and 1857	5,388 42	5,388 42		5,388 42
92	John S. Lee	For extra pay as Journal-Clerk of Senate, Ninth Session	270 00	270 00		270 00
93	Adam Schuppert	For translating into the German language, Proclamations of Governor Bigler and Governor Johnson; also, Public Instruction, in 1856	1,344 31		1,344 31	1,344 31
94	Seth H. Wetherbee	For services as Notary Public at State prison, in 1856	300 00			300 00
95	Sisters of Mercy	For money expended, burying the dead, in San Francisco	4,185 00			4,185 00
96	John Bickerstaff	For arresting escaped convict. [This claim was referred back, together with others, of the same nature, to the Board of Examiners; same being during the administration of James M. Estill, Lessee of the State-prison.]	50 00			
97	Britton & Rey	For engraving and printing bonds and Controller's warrants; also, seal	1,435 00		1,435 00	1,435 00
98	Marpe & Lawson, Assignees	For supplies furnished Insane Asylum, in 1858	86 72	86 72		86 72
99	D. C. Gay	For arresting State convicts. [Reported back, as claim No. 96.]	264 00			
100	F. R. Crussel, Petition	For injuries received in arresting Prisoner	5,000 00	2,500 00		2,500 00

STATEMENT—[CONTINUED.]

Of Claims presented before the Senate and Assembly Committee on Claims, at the Tenth Session of the Legislature of the State of California.

No.	Name of Claimant.	For what Purpose.	Amount claimed.	Allowed in cash.	Allowed audited.	Amount rejected.	Total amount.
101	C. W. Robinson	For conveying insane convict to State Insane Asylum, 22d March, 1858	$96 50	$50 00	.....	$46 50	$50 00
102	N. A. H. Ball	For services investigating the Books of ex-Treasurer Bates...	500 00	500 00	.....	.....	500 00
103	A. W. Taliaferro	For conveying Peter Metz to Insane Asylum	97 50	65 00	.....	31 50	65 00
104	E. Derbec	For publishing Proclamation of Governor Bigler, in 1854	300 00	.....	.....	300 00	.....
105	Frank Denver	For Work and Materials furnished Supreme Court, in 1855....	80 50	.....	.....	80 50	.....
106	Thos. R. Monk	For services as Clerk to Select Committee of the Assembly, 1855	164 00	.....	$146 00	18 00	146 00
107	Wm. H. Peterson	For arresting a murderer named Anastacia Garcia, in 1858....	1,000 00	1,000 00	.....	.....	1,000 00
108	Edward Potter	For arresting the murderers of Frank Lane, in April 1858.....	1,000 00	1,000 00	.....	.....	1,000 00
109	Jas. Bridger	For balance due transporting Prisoners to San Quentin	100 00	.....	.....	100 00	.....
110	Thos. H. Monk	For services during the Insurrection in San Francisco, in 1856	132 00	.....	.....	132 00	.....
111	D. McClaren	For services in Surveyor-General's office, in 1856	435 00	.....	.....	435 00	.....
112	M. G. King	For services as Draughtsman, in Land Office, in December, 1858, and January, 1859	400 00	400 00	.....	.....	400 00
113	Wilson Halsey	For services as Clerk in Land Office, in December, 1858, and January, 1859	400 00	400 00	.....	.....	400 00
114	T. R. Eldredge	For translating the Reports of 1856, in the French language..	504 37	.....	504 37	.....	504 37
115	E. R. Campbell	For services as State Registrar	900 00	.....	.....	900 00	.....
116	B. F. Marshall	Being an Act for the relief of B. F. Marshall, Sheriff of Calaveras County	9,825 00	.....	.....	9,825 00	.....
117	F. Castro, Sheriff San Luis Obispo...	For arresting a murderer, Pio Leonares, as per Proclamation, dated May 31st, 1858	500 00	500 00	.....	.....	500 00
118	San Joaquin Co.	For amounts overpaid in the State Treasury	5,822 46	.....	.....	5,822 46	.....
119	D. J. Snyder	For indexing Journals of the Senate and House, in 1858	200 00	200 00	.....	.....	200 00
120	C. C. Breyfogle	For forty-five Poll-tax Receipts, returned to the State	68 85	68 85	.....	.....	68 85
121	John Smith	Assembly bill No. 350, for relief, as Corporal in Company A, commanded by Captain Reynolds, for services rendered against the Yuma Indians, in 1850—reported back, with leave to withdraw same	607 00	.....	.....	607 00	.....
122	D. J. Snyder	For services indexing Journals of the House, in 1858	600 00	.....	.....	600 00	.....

123	John Nugent	For three State Controller's warrants, numbered 735, 736, and 737—lost	214 32	.....	214 32	.....	.....
124	John Center	For Land and Material claimed at the State-prison	12,520 00	.....	.....	$12,520 00	.....
125	Dr. Grove Deal	For Medical Attendance on the Sick, in Sacramento, in 1849	2,801 00	.....	.....	2,801 00	.....
126	F. A. Bishop, and others	For work on Emigrant Wagon-Road across the Sierra Nevada, in 1855 and 1856	4,415 73	.....	4,415 73	.....	4,415 73
127	John Perry, Jr.	For two State Bonds, issued in 1855. [Parties allowed to withdraw same.]	2,000 00	.....	.....	.....	.....
128	D. L. Mulford	For arresting a portion of Tom Bell's gang of robbers and murderers	5,000 00	3,500 00	.....	1,500 00	3,500 00
129	Nicholas Tack	For Money paid for arresting a murderer named Judd. [This claim was returned to the House, not having been acted upon.]	500 00	.....	.....	.....	.....
130	Thompson & Forman	For services as Commissioners to Washington. [Withdrawn by parties.]	6,000 00	.....	.....	.....	.....
131	Gen. A. M. Winn	For services rendered in the El Dorado Indian War, in 1850 and 1851	3,352 00	.....	.....	3,352 00	.....
132	Chas. H. Beares	For services carrying Express from San Jose to Sacramento, in 1850	799 00	.....	.....	799 00	.....
	Grand Total		$61,335 23	$7,698 85	$5,380 32	$36,868 46	$12,749 95

M. SCOTT, Jr., Clerk of Committee on Claims.

E. GARTER, Chairman.

Mr. Berry offered a Concurrent-Resolution, "relative to allowing General Kibbe four months leave of absence."

Which was adopted.

Mr. Berry, Chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—Your Committee on Enrolled Bills have examined, and find correctly enrolled, Senate bill No. 246, "An Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest," and your Committee presented said bill, on the eighteenth day of April, A. D. one thousand eight hundred and fifty-nine, to His Excellency, the Governor, for his approval.

BERRY, Chairman.

Report accepted.

On motion of Mr. Lansing, the Senate took a recess until eleven o'clock, A. M.

Senate re-assembled at eleven o'clock, A. M.

Roll called.

Quorum present.

Mr. Ketcham moved a call of the Senate.

Lost.

Mr. Berry offered the following resolution, which was adopted:

Resolved, That the Secretary of State be instructed to compute the number of folios copied for the State-Printer, for the Senate, at its Tenth Session, which have not been computed, and the accounts therefor audited and allowed, and when the number shall be ascertained, to give a certificate thereof; and, upon presentation of such certificate to the Controller, it shall be his duty to draw his warrant on the Treasurer of State, payable out of the appropriation for copying done for the Senate, for the amount thereof, at the rates allowed by law.

Mr. Burch returned certain bills.

Which were laid on the table.

Mr. Kirkpatrick offered the following resolution, which was laid on the table:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of three, from each House, be appointed to wait on the Governor, and ascertain if he has any further communication to make to the Legislature.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly, this day, concurred in Senate Concurrent-Resolution No. 42, relative to leave of absence granted to General Kibbe, Quartermaster-General of the State.

Also, adopted Assembly Concurrent-Resolution No. 50, relative to the appointment of a Committee to wait upon the Governor, on adjournment, and have appointed Messrs. Young, Shepard, and Ensworth, such Committee.

C. GILMAN, Clerk.

April, 19, 1859.

Assembly Concurrent-Resolution No. 50, "Relative to the appointment of a Committee to wait upon the Governor on adjournment," was taken up, and adopted.

The Chair here appointed Messrs. Kirkpatrick, Merritt, and Parker, on part of the Senate, in conformity with the above resolution.

Mr. Griffith moved to take from table, Senate Concurrent-Resolution No. 8, "Relative to Mexican fraudulent land-grants."

Mr. Burch moved to lay the motion on the table.

Upon which, the ayes and noes were demanded, by Messrs. Burch, Griffith, and Pacheco, and taken, with the following result: ayes, 23—noes, 3:

Ayes—Messrs. Anderson, Baker, Berry, Burch, Burton, Dickinson, Denver, Garter, Grant, Gregory, Hamm, Ketcham, Kirkpatrick, McDonald, O'Farrell, Pacheco, Parks, Parker, Phelps, Quinn, Titus, Wheeler, and Williams—23.

Noes—Messrs. Griffith, Holden, and Lansing—3.

So the motion was laid on the table.

The following verbal message was received from the Assembly:

Mr. President:—The Assembly, this day, adopted Assembly Concurrent-Resolution No. 54, "Relative to charges made by Mr. Griffin, against the Members of the Assembly."

The resolution, was, on motion of Mr. Phelps, laid on the table.

On motion of Mr. Burton, the Senate took a further recess for ten minutes.

Senate re-assembled.

Roll called.

Quorum present.

Journals of this day read and approved

The hour of twelve o'clock having arrived, the President directed the Secretary to read the following resolution, heretofore adopted by both Houses.

Resolved, By the Senate, the Assemby concurring, that the Concurrent-Resolution to adjourn *sine die* on this eighteenth day of April, at two o'clock, P. M. be rescinded, and that the Legislature of the State of California do adjourn *sine die*, Thursday, April nineteenth, at twelve o'clock, M., and that no bill shall hereafter be delivered to the Governor, except bills relating to the State-prison matters, or appropriations.

Whereupon, the President declared the Senate adjourned, *sine die*.

Approved.

JOSEPH WALKUP, President of the Senate.

Attest: E. C. Palmer, Secretary of the Senate.

QUESTIONS OF ORDER.

QUESTIONS OF ORDER.

RECONSIDERATION.—PAGE 103.

Mr. Ketcham offered a Concurrent-Resolution.

Mr. Garter moved to amend, by striking out the words "that portion of," and also the words "which relates to the judicial system."

The amendment was adopted.

Mr. Williams gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

The question being on the passage of the resolution, as amended, Mr. Phelps rose to a point of order: "It is not in order to proceed further with the resolution, pending a notice of reconsideration."

President *pro tem.* ruled the point of order well taken.

Chair sustained.

PAGE 168.

Mr. Merritt, pursuant to notice given, moved to reconsider the vote by which the Senate passed Senate bill.

Pending which, Mr. Burton rose to a point of order: "It is not in order, in accordance with the Nineteenth Rule of the Senate, to make a second motion to reconsider the vote by which the bill passed."

The President *pro tem.* decided the point well taken.

Mr. Merritt appealed from the decision of the Chair.

The Chair sustained.

PAGE 235.

Mr. Anderson moved that the Senate do now consider Senate bill, which was made the special order for February seventh, at twelve, M., (being the eighth of February.)

Pending which, Mr. Burton rose to a point of order: "That Mr. Anderson, not voting with the majority to make the bill the special order, can not now move for a reconsideration of said vote."

The President decided the point of order well taken.

Mr. Ballou moved that the Senate do now consider the bill.

Mr. Burton rose to a point of order: "That a bill having been made the special order for a certain day, it is not in order to change the day by a reconsideration of the vote on the following day."

President decided the point of order not well taken.

PAGE 512.

Mr. Gregory, pursuant to notice given, moved to reconsider the vote by which the Senate passed Senate bill.

The question being on the reconsideration, Mr. Berry rose to a point of order: "The question having been reconsidered, can not be reconsidered the second time."

The President *pro tem.* decided the point of order well taken.

Mr. Gregory appealed from the decision of the Chair.

Appeal sustained.

PREVIOUS QUESTION.—PAGE 523.

On motion of Mr. Berry, the motion to reconsider Assembly bill, which was laid on the table, was taken up.

The question being upon reconsidering the vote by which the Senate refused to pass the bill, Mr. Berry moved the previous question.

Which was seconded by a majority of the whole Senate.

The question being, "Shall the previous question be sustained?" it was decided affirmatively.

The question being, "Shall the main question now be put?"

Mr. Burton rose for information: "Had not the previous question been previously sustained?"

The President *pro tem.* decided it had; but the question, "Shall the main question now be put?" had not been voted on.

Mr. Burton appealed from the decision of the Chair.

Appeal sustained.

INDEX.

ORDER OF ARRANGEMENT.

Index to Senate Bills.
Index to Senate Concurrent Resolutions.
Index to Assembly Bills.
Index to Assembly Concurrent Resolutions.
Index to Action of Senators.
Index to Legislation for Individuals.
Index to Miscellaneous Matters.—[Under the head of "Counties," in this department, the various Counties will be found alphabetically arranged.]

ABBREVIATIONS.—A. B., Assembly Bill; A. C. R., Assembly Concurrent Resolution; S. B., Senate Bill; S. C. R., Senate Concurrent Resolution.

INDEX TO SENATE BILLS.

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
1	Bill for an appropriation of money for Postage and Express purposes for Members of present Session. Burton.	14	15	15	15	720
2	Bill for an Act to regulate proceedings in Civil Cases in Courts of Justice. Griffith.	77	339			445, 193, 96, 223, 273
3	Bill for an Act for the relief of Insolvent Debtors and the protection of Creditors. Burch.	87				100, 551
4	Bill for an Act to amend an Act entitled an Act to provide for the funding and payment of the outstanding unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the 1st day of July, 1856. Grant.	87				
5	Memorial asking Congress to pass a law authorizing the construction of a Pacific Railroad, also asking a Grant of Land for the construction of Railroads in this State. Holden.	87	719	719	771	702, 98, 560, 653
6	Bill for an Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein. Kirkpatrick.	92	116	116	167	96, 114, 116
7	Bill for an Act to amend an Act to establish the Pay of Officers and Employes of Senate and Assembly, and to repeal the existing laws relating thereto, approved April 26, 1858. Burch.	97		118		115, 118, 128, 130, 133

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
8	Bill for an Act to amend an Act entitled an Act to provide for the appointment of a Gauger, for the Port of San Francisco. Thom.	96		104		103, 106, 167
9	Bill for an Act to amend an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey and Amador, approved April 5, 1856. Kirkpatrick.	98		237		240
10	Bill for an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851. Gregory.	95	119	119		117, 183
11	Bill for an Act to amend an Act entitled an Act defining the time for commencing Civil Actions, approved April 22, 1850. Burch.	95	186	186		176, 201
12	Bill for an Act to provide for setting apart the Homestead and to protect the same from forced sale. Parker.	97				121, 219, 239, 254
13	Bill entitled an Act to amend an Act to regulate proceedings in Civil Cases, approved April 29, 1851. Kirkpatrick.	97	187	231	257	181, 201
14	Bill for an Act concerning Certificates of Purchase for Land. (Substitute.) Dent.	97	132	132		118, 119, 128, 184
15	Bill for an Act to regulate the creation of Homesteads. Gregory.	97	253	540		219, 222, 280, 492, 746
16	Bill for an Act to legalize Acknowledgments of Instruments in writing heretofore taken by an Deputy Clerk of the late Superior Court of the City of San Francisco. Grant.	95		132		117, 119, 129
17	Bill for an Act concerning the office of County Clerk of the County of Amador. Ketcham.	98	112	112		98, 112
18	Bill for an Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851. Burch.	99				118, 120
19	Bill for an Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851. Burch.	99				193, 204
20	Bill for an Act to amend an Act to extend the terms of office of the Board of	99		112		111

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	Supervisors of certain Counties of this State, passed April 26, 1858. Quinn.					
21	Bill for an Act to amend an Act entitled an Act to create the County of Sierra, and establish the Seat of Justice therein, to define its boundaries, and provide for its organization, passed April 16, 1852. Kirkpatrick.	99				
22	Bill for an Act to regulate the Fees of certain Officers in Tuolumne County. Quinn.	99		112	123	112, 146
23	Bill for an Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special Tax for building purpose in said County. Ballou.	102			121	128, 130
24	Bill for an Act amendatory of and supplemental to an Act concerning Public Ferries and Toll Bridges, approved April 28, 1855. Holden.	102			314	429
25	Bill for an Act to establish a Standard of Weights and Measures, and to repeal all former Acts in relation thereto. Baker.	102	132 144	166		128, 144, 249
26	Bill for an Act to Legalize and Confirm the General and Supplementary Assessment Rolls, the publication of the same, and to extend the time for the collection of the Revenue in the Counties of Sonoma, Mendocino and Sutter. O'Farrell.	112	112	112	123	124, 146
27	Bill for an Act to authorize the construction of certain Wharves. Griffith.	113	132	144	270	120, 131, 144, 154
28	Bill for an Act relating to the Coroner of the City and County of San Francisco. Parker.	112			130	146, 146
29	Bill for an Act to legalize an Order of the Court of Sessions of Siskiyou County and all the proceedings thereunder and dependent thereon. Berry.	115	115	115	123	130
30	Bill for an Act to divide the State into Congressional Districts, according to Act of Congress, approved June 25, 1852. Baker.	116	132	230		130, 132, 171, 180, 191, 201, 207
31	Bill for an Act to amend Section ten of Article eleven of the Constitution of the State of California. Holden.	116				

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
32	Bill (substitute) for an Act to amend an Act defining the time of commencing Civil Actions, passed April 22, 1850. Burch.	116	311 392			297, 482
33	Bill for an Act to repeal an Act to authorize Married Women to transact Business in their own names, as sole traders, passed April 12, 1850. Burch.	116				193, 203
34	Bill for an Act entitled an Act to provide for the payment of volumes nine and ten of the Reports of the Supreme Court of the State of California. Judiciary Committee.	118		120	237	240, 341
35	Bill for an Act to authorize persons to Change their Names in certain cases and to prohibit application to the Legislature therefor. Ballou.	118	204			193
36	Bill for an Act making an appropriation for the transportation of Prisoners to the State Prison for the tenth fiscal year. Dickinson.	119	122	122		120, 122, 181, 194
37	Bill for an Act amendatory of and supplemental to an Act to provide for the location and sale of the unsold portion of the 500,000 acres of land granted to this State for School purposes, and the 72 Sections donated for a Seminary of learning, approved April 23, 1858. Holden.	119	143	185	257	141, 143, 185
38	Bill for an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851. Anderson.	119	239	250	545	205, 217, 223, 585
39	Bill for an Act to repeal an Act entitled an Act for the protection of Settlers, and to quiet land titles in this State. passed March 26, 1856. Gregory.	119				122, 128, 171, 185, 215
40	Bill for an Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco. Parker.	118	392, 285 301, 334	732		263, 265, 295, 335, 421, 445, 556, 696
41	Bill for an Act in relation to the assignment of rights in action and evidence of such assignment and notice thereof. Williams.	121	234 243	274	461	233, 245, 751
42	Bill for an Act supplemental to the Act entitled an Act to create a Board of	121				181, 194

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	Examiners, to define their powers and duties and to impose certain duties upon the Comptroller and Treasurer, approved April 21, 1858. Burton.					
43	Bill for an Act amending an Act entitled an Act concerning Jurors, approved May 3, 1852. Anderson.	121	223	238	545	205, 216, 235
44	Bill for an Act concerning Animals found trespassing. Williams.	121	167			146
45	Bill for an Act to amend an Act entitled an Act to authorize Married Women to transact Business in their own name as sole traders, passed April 12, 1852. Garter.	123	192			181, 187
46	Bill for an Act to grant the right of way and to keep a Toll Road across the Coast Range Mountains at Pacheco Pass in this State. Gregory.	123				
47	Bill for an Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River and to levy a tax therefor. Parks.	123	295	295		268, 279, 316 603
48	Bill for an Act for the relief of Moses Scott, Jr. San Francisco and San Mateo Delegation.	132		132		194
49	Bill for an Act concerning Crimes and Punishments and for the better protection of Wines and Liquors against adulterations and counterfeits. Thom.	131	190 207	207		177, 180, 188, 201
50	Bill for an Act amendatory of an Act to change the time of holding the Court of Sessions and County Court of Los Angeles, approved April 8, 1858. Thom.	131	143	143	237	142, 179, 185, 186, 240
51	Bill for an Act amendatory of an Act concerning Ferries and Toll Bridges, passed April 22, 1855. Allen.	131				169, 265, 315, 429
52	Bill for an Act amendatory of an Act to fix the time of holding the terms of the District Courts throughout this State, passed May 18, 1853. Thom.	131	143	143	201	142, 217, 220
53	Bill for an Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May 4, 1858. Pacheco.	145		145		145

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
54	Bill for an Act to provide for the relinquishment to the U. S. in certain cases of titles to lands for Light-Houses and other purposes on the Coast and Waters of this State. Merritt.	154	180	214	242	176, 211
55	Bill for an Act to Fund the entire Indebtedness of Calaveras County contracted prior to the 1st day of January, 1859, and to provide for the payment thereof. Bradley.	155	337	337	404	316, 404
56	Bill for an Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851. Wheeler.	155	207 278	305	461	193, 510, 538
57	Bill for an Act fixing the Salaries of District Attorneys of certain Counties of this State. Titus.	155			391	177, 211
58	Bill for an Act to amend an Act entitled an Act concerning Conveyances, passed April 16, 1858. Williams.	155	231	288		205, 215, 236, 256, 442
59	An Act amendatory of and supplemental to an Act entitled an Act to provide for the Registration of Marriages, Divorces, Births and Deaths, approved April 26, 1858. Merritt.	169	234 243	278	460	233, 239
60	An Act concerning Forts and Light-Houses and transferring the eminent domain of California to the U. S. in certain cases. O'Farrell.	171				177, 185
61	An Act concerning the officers of Calaveras County and the collection of Poll Taxes, License and Foreign Miners' Taxes, in said County. Bradley.	171	280	280 310		310
62	An Act to provide for the payment of Jail Keepers in the City and County of San Francisco. Grant.	171	278	316		212, 221, 239
63	An Act to amend an Act entitled an Act relating to the Hospital affairs of Tuolumne County, passed April 14, 1857. Quinn.	171	230	230		206, 215, 226, 771
64	An Act amendatory of an Act to regulate Fees in office in the City and County of San Francisco, approved April 22, 1858. O'Farrell.	171				269, 279, 316

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
65	An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March 31, 1857. Dent.	171	186	214	409	182, 211
66	An Act for the relief of Henry L. Davis. San Francisco and San Mateo Delegati'n.	173		174	201	217
67	An Act to authorize Henry Hare Hartley to sell certain Real Estate held by him as Trustee. Griffith.	174		185	201	181, 188, 203, 220
68	An Act to amend an Act entitled an Act for the protection of Actual Settlers and to quiet Land Titles in this State, approved March 26, 1856. Holden.	174				
69	An Act to attach certain Territory to the City of Sacramento for School purposes. Price.	174	265	279	293	302
70	An Act relative to the Indigent Sick. Parker.	174				289, 396, 619
71	An Act to authorize the establishment of County Infirmaries for the relief of the Indigent Sick and to amend an Act entitled an Act to provide for the Indigent in the Counties of this State, approved March 31, 1856. Titus.	174	441 548	597		290, 396, 548, 556, 791
72	An Act to amend an Act entitled an Act to provide for paying certain Equitable Claims against the State of California and to contract a funded debt for that purpose, approved April 28, 1857. Burton.	178	532	532		458
73	An Act to amend an Act entitled an Act to authorize the issuance of Duplicates for certain lost School Land Warrants. Hart.	178			259	
74	An Act to authorize the Executors of the Last Will and Testament of Thomas O. Larkin, deceased, to sell Personal Property of the testator at private sale. Williams.	178	488	178	201	217, 220
75	An Act to regulate Witness Fees in Criminal Cases. Ballou.	197				203
76	An Act concerning Agricultural Societies. Redman.	178	217 235 274	274	442	206, 274
77	An Act for the relief of Austin E. Smith. Phelps.	178				

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
78	An Act to provide for the construction of a Bulkhead in the Harbor of San Francisco. Parker.	178				263
79	An Act for extending the time for the Sheriff of Sacramento County to collect the Delinquent Taxes for the year 1858. Price.	184		184		185, 196
80	An Act to allow Berthold Hoen to sell certain Real Estate. Burch.	184	222	236	338	219, 236
81	An Act for the relief of Elisha Packwood. Redman.	184	203	203	270	193, 211
82	An Act making Certificate of Purchase evidence of title. Holden.	184		197	338	192, 201, 338, 515, 553, 662
83	An Act concerning Roads and Highways. Phelps.	184		397		276, 280
84	An Act to provide Revenue for the support of the Government of this State. Kirkpatrick.	184	429 453 498 505	451 592		317, 405, 409, 448, 517, 553
85	An Act supplementary to an Act entitled an Act concerning Estray Animals. Griffith.	187				
86	An Act to amend an Act to provide for the funding and payment of the outstanding unfunded Claims against the City of San Francisco as they existed prior to the 1st day of July, 1856. Grant.	189	221	257	391	206
87	An Act to amend an Act, passed February 17th, 1855, an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853. Williams.	190		215	238	205, 240
88	An Act concerning Official Bonds of County Officers in the County of Calaveras. Bradley.	190	190	190		196
89	An Act to repeal an Act entitled an Act to extend the time for making the Assessment, and Collecting the Taxes in the County of Siskiyou, approved April 12, 1858. Berry.	195	207 228	207	270	220, 228
90	An Act to provide for the Payment of Two Hundred and Fifty Thousand Dollars of the Outstanding Indebtedness of this State. Burton.	196	531			459, 540, 565

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
91	An Act submitting to the people of Sacramento City and County a proposition to Appropriate Money for the Purchase and Construction of suitable Grounds and Buildings for the use of the State Agricultural Society, in the City of Sacramento. Price.	202	202	202	238	208, 238
92	An Act for the formation of a corporation for the erection of a Public Market in the City of Los Angeles. Thom.					801
93	An Act to provide for the Conveyance of Mining Claims. Burton.	202	230	251	539	219, 224, 243, 250
94	An Act for holding a Special Term of the District Court in Del Norte County. Berry.	208		208	237	211, 239
95	An Act amendatory of and supplementary to an Act, entitled an Act to extend the Term of Office of the Supervisors of El Dorado County, and to change the manner of their Election, and define their Duties and Powers in certain cases, and establish their Salaries, approved April 6, 1858. Denver.	214				248
96	An Act to authorize the location of the Town Site of Crescent City. Berry.	214		234	249	233, 243, 282
97	An Act to repeal Section two hundred and fourteen of an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851. Parker.	214				281, 304
98	An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State. Thom.	221	304 337	337	496	281, 563
99	An Act entitled an Act to legalize Arrests made on the authority of information transmitted by Telegraph. Thom.	224				629
100	An Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the Claim of D. R. Dale. Berry.	226		226	293	
101	An Act supplemental to an Act to provide for the Formation of Corporations for certain purposes, passed April 14, 1853. Merritt.	227				296

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
102	An Act to amend an Act, entitled an Act concerning Crimes and Punishments, passed April 16, 1850. Gregory.	227	457			483, 487
103	An Act amendatory of and supplemental to an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and to repeal an Act amendatory thereof. Merritt.	227	339 447	456		273, 305, 440, 447, 454
104	An Act supplemental to and amendatory of an Act entitled an Act to provide for the Sale of the 16th and 36th Sections of Land donated to this State for School purposes, by Act of Congress, passed March 13, 1853, approved April. Holden.	236	718	718		660
105	An Act to Incorporate the City of Placerville. Titus.	239		245	310	240
106	An Act to amend an Act entitled an Act to create the office of State Printer. define the duties and compensation thereof, and provide for the time and manner of Election. Burton.	241	339	339	480	307
107	An Act defining the duties of the Surveyor General of this State in relation to Swamp and Overflowed Lands. Holden.	242	456	456	715	
108	An Act amending an Act, entitled an Act providing for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April 21, 1858. Holden.	242		405		262, 265, 285, 295, 496
109	An Act (substitute) entitled an Act to grant the right to construct a Bridge across the Colorado River at Fort Yuma, near the Junction of the Gila, in the County of San Diego, California, to certain parties therein named. Assembly, (Subs.)	248	428	494		428, 483, 552
110	An Act appropriating Money for the completion of a Wagon Road over the Sierra Nevada. Denver.	257	337 434	577		290, 303. 421, 429, 435, 440, 487, 502, 576, 740
111	An Act amendatory of and supplemental to an Act entitled an Act to extend the Term of Office of the Supervisors of El Dorado County, and to change the manner of their Election, and de-	257		303		257

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	fine their duties and powers in certain cases, and establish their Salaries, approved April 6, 1858. Denver.					
112	An Act amendatory of and supplemental to an Act to Establish, Support and Regulate Common Schools, and to repeal former Acts concerning the same. Redman.	262				590
113	An Act to grant the right to construct a Bridge across the Upper Sacramento River, at the town of Red Bluff, to certain parties therein named. Garter.	262	405			341, 405
114	An Act authorizing John McDougall, Administrator of the Estate of Geo. McDougall, deceased, to convey certain Real Property. Grant.	262		303		268, 273, 334
115	An Act to Incorporate the City of San Jose. Redman.	262		456	496	436
116	An Act to amend an Act entitled an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State, approved April 25, 1857. Denver.	262				459, 479
117	An Act providing for the purchase of State Prison Grounds, and the erection of a State Prison thereon. Price.	262				
118	An Act to amend an Act entitled an Act to provide for the appointment of and prescribe the duties of Guardians, passed April 19th, 1850. McDonald.	272				487
119	An Act amendatory of and supplemental to an Act entitled an Act concerning Stray Animals, passed April 19th, 1856. Parks.	271	405 420		539	282, 310, 420, 451, 541
120	An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State. Phelps.	272	337 620	620		326, 394
121	An Act concerning the office of Sheriff in and for the Counties of Solano and Contra Costa. Burch.	280	339	339	432	281, 303
122	An Act to fix the compensation of the Tax Collector of the County of El Do-	277		277	300	

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	rado and his Deputy in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County Warrants issued by County Auditor of said County. Denver.					
123	An Act to provide for a Police Contingent Fund in and for the City and County of San Francisco. Williams.	280		299		283
124	An Act amendatory of and supplemental to an Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the Government thereof, approved April 19th, 1856, of and to which there is a certain Act amendatory and supplementary to, approved April 18th, 1857, approved April 25th, 1857. Williams.	275		299	442	290
125	An Act relating to the sureties upon the official bond of Henry Bates, late State Treasurer. Grant.	339	339	339	443	396, 454
126	An Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of the County of Yuba, approved April 22d, 1858. Wheeler.	283			443	443
127	An Act extending the privileges of the Homestead Law to certain persons. Anderson.	284	426			423, 426, 496, 511, 564, 594, 599
128	An Act authorizing and empowering the County Clerk of Butte County to transcribe certain Records and to legalize the same. Hart.	285		285	496	298
129	An Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April 19th. Burch.	288				456, 491, 548
130	An Act fixing the salaries of certain State Officers and Employes. Burch.	286	767	767		543
131	An Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D.	286	339 403	434	587	394, 403, 588, 603, 760

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	1859, and ending on the thirtieth day of June, 1860, inclusive. Burton.					
132	An Act authorizing and empowering the County Recorder of Solano County to transcribe certain records and to legalize the same. Griffith.	295		295	396	298
133	An Act amendatory of an Act entitled an Act to regulate proceedings in Civil Cases, passed April 29, 1851. Anderson.	294	501			341, 405, 495, 501, 593
134	An Act for the establishment and erection of a State Reform School. Ketcham.	296	489	496		405, 482, 706
135	An Act to amend an Act entitled an Act to repeal the Act passed March 26th, 1851, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento. Price.	294	487	487	582	
136	An Act entitled an Act authorizing the construction of a Telegraph line from the City of Sacramento to the Eastern boundary line of this State. Griffith.	294				801
137	An Act to aid in the erection of the Washington Monument in the District of Columbia. Joint Committee.	301		312	442	301
138	An Act authorizing Solon S. Simonds to construct a Canal in Santa Clara County. Redman.	302	501	526	583	485
139	An Act to provide for the payment of volume eight of the Reports of the Supreme Court of the State of California. Committee on Claims.		303	303	554	
140	An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850. Merritt.	310	488	488	545	341, 405, 576
141	An Act supplementary to and amendatory of an Act entitled an Act to authorize the funding of the unfunded debt of the City of San Jose and to provide for the payment of the same. Redman.	313	313	333	396	
142	An Act to provide for the funding the debt of Tulare County, for the pay-	315		315	392	

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	ment of the interest thereon and for the gradual liquidation of the debt. Merritt.					
143	An Act amendatory of an Act entitled an Act to regulate Fees in office in certain Counties of this State, approved April 21, 1857. Redman.	317		548	662	458, 524
144	An Act amendatory of an Act entitled an Act concerning Crimes and Punishments, approved April 16, 1850. Kirkpatrick.	316				430, 534, 566, 639
145	An Act supplementary to an Act entitled an Act to confirm and legalize the Tax Lists or Assessment Rolls of the County of Marin for the years 1857 and 1858, and to authorize the collection of unpaid taxes in said County. O'Farrell.	316				751
146	An Act for the Government of the State Prison and creating a Board of Directors and defining their powers and duties and to repeal an Act entitled an Act for the Government of the State Prison and to provide for a branch Prison, approved April 24, 1858. State Prison Joint Committee.	332	420	439		439
147	An Act to compensate the Warden of the State Prison. State Prison Joint Committee.	332		433	614	396, 645, 693, 740, 770
148	An Act authorizing and empowering the Board of Supervisors, in and for the County of Butte, to levy a Special Tax on all taxable property in said County, for contingent purposes. Hart.	332	479	479	496	
149	An Act to amend an Act, entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties in this State, approved April 25, 1857. Burch.	332				459, 479
150	An Act providing for the payment of Judgments against the several Counties and Cities of this State, and exempting from Forced Sale under execution, or other process, all the Real and Personal Property belonging to any City or County of this State. Burch.	336				427, 464, 535

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
151	An Act (substitute) to amend an Act, entitled an Act to provide for the location and sale of the unsold portion of the 500,000 acres of Lands donated to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of learning. Burton.	336				395, 453
152	An Act to amend an Act entitled an Act to provide Revenue for the support of Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills, and other matter, approved April 29, 1857. Burton.	343	532	532		459
153	An Act to fix the times for the Commencement of the Terms of the District Court, County Court, and Courts of Session, in the Counties of Yuba and Sutter. Wheeler.	342		342	443	
154	An Act amending an Act entitled an Act to provide Revenue for the support of the Government of this State, passed April 29, 1857. Baker.	397	620	620		397
155	An Act to authorize the Executors of the Estate of Joshua W. Redman, deceased, to sell the Real Estate of said deceased at public or private sale. Burch.	303		403	515	
156	An Act to authorize District Judges in certain cases to sign records and settle statements. Wheeler.	408	541	541		490, 656
157	An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain funds. Berry.	408			496	
158	An Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating and other purposes. Thom.	419		437		544, 561
159	An Act providing for the disposition and reclamation of the Swamp and Overflowed Lands donated to this State by the United States. Dent.	419				433, 608
160	An Act to authorize the sale of certain Real Estate by Guardians. Griffith.	422	481	481	539	430
161	An Act relating to the Possession of Lands, the recording of Conveyances and the effect thereof. Williams.	408		585		556, 566, 604

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
162	An Act regulating the salaries of certain County Officers in Sonoma County. O'Farrell.	433		535	635	464
163	An Act to authorize I. Granville Doll, to convey Water into the town of Red Bluff by means of Pumps and Pipes. Garter.		536	536		464
164	An Act to authorize the Board of Trustees of the City of Sonoma to levy a Special Tax for the benefit of the Fire Department. Quinn.	433	497	497		
165	An Act to enable parties therein named to partition or sell Real Estate. Pacheco.	436	492	492	516	490
166	An Act recommending to the Electors of the State to vote for or against a Convention to revise and change the Constitution of this State. Burch.	438			662	464, 526, 564
167	An Act concerning Roads and Highways in the City and County of San Francisco. Phelps.	438		621	715	528
168	An Act amendatory and explanatory of a portion of the Acts to provide Revenue for the support of the Government of this State. Burton.	438		534		464
169	An Act fixing the time of holding the Courts of Sessions and County Courts in the County of Shasta and to change the manner of summoning Jurors for the County Court of said County. Garter.	451		451	500	454
170	An Act to provide for the issuance of Patents to Lands located with State School Land Warrants. Holden.	451		577	789	546
171	An Act to amend Section 509 of an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851. Burton.	452	535	535	662	464
172	An Act to Audit certain Claims. Committee on Claims.	452	498	498	545	
173	An Act to appropriate Money for the payment of certain Claims. Committee on Claims.	452	498	498	576	452, 641

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
174	An Act supplemental to an Act, approved February 18th, 1859, entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the location and sale of the unsold portion of the 500,000 acres of land granted to this State for School purposes, and the 72 Sections donated to this State for the use of a Seminary of learning, approved April 23, 1858. Committee on Public Lands.	453		453	486	
175	An Act supplementary to an Act entitled an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1854. Titus.	455	535	536		478, 740
176	An Act making an appropriation for the purpose of paying Peter H. Burnett for back salary due him as Justice of Supreme Court. Committee on Claims.	458		516		458
177	An Act (substitute) amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties of this State. Committee on Military affairs.	562			562	
179	An Act to authorize the Counties of the State of California and Incorporated Cities to become Stockholders in Railroad Companies. Redman.	479	594	624		518, 546, 568, 618, 638, 760
180	An Act to amend an Act entitled an Act for the government and protection of Indians, passed April 22, 1850. Thom.	479	568	568	791	490, 801
181	An Act to authorize the re-issuance of certain lost School Warrants. Ballou.	482	637	637	663	579
182	An Act to enable the California Great Trunk of the Pacific and Atlantic Railroad Company to build and equip a Railway from the City of San Francisco to the Eastern boundary of the State. Merritt.	486				518, 712
183	An Act to provide for the payment of fees and costs in Civil Actions by and against Counties. Garter.	492	571	571	663	499
184	An Act making appropriations for deficiencies in the appropriations made	495	619	619	663	637, 640

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	for the 10th fiscal year ending the 30th day of June, 1859. Burton.					
185	An Act to amend an Act entitled an Act defining the rights of Husband and Wife. Redman.	495				751
186	An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases, approved April 29th, 1851. Dent.	495	625			625
187	An Act to raise Revenue for a Chinese Police fund and for other purposes. Ketcham.	500				537, 657
188	An Act to prohibit the enforcement of contracts in certain cases. Ballou.	500				551
189	An Act to amend an Act entitled an Act concerning the 8th, 9th and 15th Judicial Districts of this State and the Judges thereof, approved March 31st, 1857, and of an Act amendatory thereto, approved March 25th, 1858. Hart.	500		501	701	
190	An Act amendatory of an Act concerning Corporations, passed April 22, 1858. Pacheco.	501				639
191	An Act to authorize the State Treasurer to issue to Selah Russel three Duplicate School Land Warrants, in lieu of certain Warrants lost or destroyed. McDonald.	507				
192	An Act levying the Taxes for the year 1859, in the County of Sierra for County purposes. Kirkpatrick.	512		512	530	
193	An Act to repeal an Act to provide for the appointment of a Gauger for the Port of San Francisco. Ballou.	521				621
194	An Act to amend an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1st, 1851. Williams.	529			650	
195	An Act explanatory of an Act to amend an Act concerning Notaries Public, passed April 13th, 1857, passed March 16th, 1859. Quinn.	529		529	545	
196	An Act for the relief of William A. King, County Treasurer of Mariposa County. Merritt.	529		589	701	

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
197	An Act to fix the compensation of the District Attorney of the County of Santa Cruz, and to repeal all former Acts in relation thereto. Gregory.	529		529	545	
198	An Act to prohibit the Adulteration of Wines and Liquors. Parks.	529				707
199	An Act for the settlement of the estate of William Knight, deceased. Griffith.	529	539	539	583	537
200	An Act to provide for the more thorough distribution of the Laws of this State. Price.	529	707	716	771	551, 604, 607, 707
201	An Act to authorize the collection of certain Taxes within this State. Merritt.	529				650
202	An Act fixing the time of holding the Court of Sessions and County Court in the County of Tuolumne. Quinn.	531		531	545	
203	An Act to appropriate Money to pay Charles Forman and Alfred H. Estill for writing Senate Journals, ninth Session. Committee on Claims.	537		537	613	
204	An Act amendatory of an Act to amend an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 17th, 1853, amended April 16th, 1858. Dent.	536	622	622	740	622
205	An Act ceding jurisdiction to the U. S. over certain Lands. Federal Relations.			620	771	
206	An Act for the relief of William S. Barbour, late Judge of the 10th Judicial District. Committee on Claims.			578		746
207	An Act to audit and allow the Claim of Michael Fennell, (Substitute.) Committee on Claims.	546		546		614
208	An Act to appropriate Money for the relief of Certain Persons. Committee on Claims.		537 540	568	701	542, 567
209	An Act to Authorize the Executors of the Last Will and Testament of Peter Tracy, deceased, to sell certain School Land Warrants of the deceased at private sale. Gregory.	539	627	627		551

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
210	An Act to provide for settling the Boundary Line between the Counties of Yuba and Butte. Wheeler.	539	621	621	655	621
211	An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State. Grant.	539	731	731	776	643, 721
212	An Act to provide for the better observance of the first day of the week, commonly called Sunday. Baker.	539	605			579, 605, 615
213	An Act to endow the Medical Department of the University of the Pacific. Committee on State Hospital.					625
214	An Act for the relief of Samuel Gallagher. Committee on Claims.	542	542	542	635	
215	An Act to Fund the Debt of the County of Solano, which accrued from and after the 1st day of May, A. D. 1854 to the 1st day of July, A. D. 1859, and to provide for the payment of the same. Griffith.	546		546		
216	An Act to enable the State of California to receive the benefit of the Swamp and Overflowed Lands within her limits. Holden.	545	613		791	566, 634, 802
217	An Act to amend an Act entitled an Act to provide for the Appointment, and prescribe the Duties of Guardians, passed April 19, 1850. Williams.	545				
218	An Act providing for the payment of a Judgment in favor of Trustem C. Gillman against the County of Contra Costa. Lansing.	545	658			546, 612, 618, 661
219	An Act to audit certain Claims. Committee on Claims.	548		548	576	
220	An Act to appropriate Money to pay O. S. Shafter, J. McM. Shafter and Sol. Heydenfeldt for legal services. Committee on Claims.	548		548		
221	An Act to audit and allow the Claim of Adam Schuppert. Committee on Claims.	548		548	613	
222	An Act for the relief of O. D. Avaline. Committee on Claims.	548				

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
223	An Act to authorize the Executors of Thomas O. Larkin, deceased, to sell and convey certain Real Estate. Williams.	554		554	576	760
224	An Act to amend an Act entitled an Act to provide for the binding Minors as Apprentices, Clerks and Servants, approved April 10, 1858. Thom.	556				607
225	An Act to authorize the Weaverville and Shasta Wagon Road Company to file certain Papers *nunc pro tunc*. Burch.		590	590	706	
226	An Act creating an Insane Asylum at Marysville, Yuba County. Allen.	563	710			697
227	An Act for the relief of Otis Brett. Allen.	563				698
228	An Act amendatory of and supplementary to an Act entitled an Act creating a State Land Office for the State of California, passed April 10, 1858. Holden.	569		639	775	
229	An Act for the relief of George W. Manchester, Administrator of the Estate of Thomas Manchester, deceased. Parker.	637		637		
230	An Act to authorize the issuance of Duplicates of certain Lost State Bonds. Garter.	575		707		607
231	An Act to audit and allow the Claim of Wm. T. Barbour, for back salary as District Judge of the Tenth Judicial District. Griffith.	578		578		746
232	An Act to regulate the issuance of Certificates of Judgments, or Remittiturs, in cases decided upon appeal in the Supreme Court. Garter.	583		586		
233	An Act to fix the Terms of the County Court and Courts of Sessions of the County of El Dorado. Denver.	589		589	655	
234	An Act authorizing the construction of Wharves at the foot of certain Streets in the City and County of San Francisco. Merritt.	589	719	719		694, 739, 806
235	An Act to further define the Duties of State Printer. Berry.	589	637	637		654

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
236	An Act appropriating Money for the completion of a Wagon Road over the Sierra Nevada by way of the Indian Valley and Honey Lake Route. Ballou.	589				598, 707
237	An Act amendatory of an Act, entitled an Act concerning Corporations, passed April 22, 1850. Anderson.	589		696		604, 647, 696, 761
238	An Act to authorize the Administrator of Juan Antonio Vallejo, deceased, and others, to sell Real Estate of Intestate at private sale. Gregory.	591	664	664		607
239	An Act in relation to Trial Jurors in the Court of Sessions and County Courts of certain Counties of this State. Anderson.	591	591	591	625	
240	An Act to repeal an Act relative to the creation of Pa Utah County. Titus.	591		591	635	
241	An Act to authorize the Administratrix of Patrick W. Madigan, deceased, to sell certain Real Estate at Private Sale. Thom.	592		616	620	607
242	An Act to authorize the Common Council of the City of Los Angeles to Extend the City Limits. Thom.	599		599	746	
243	An Act to amend an Act entitled an Act to authorize George H. Ensign, and others, owners of the Spring Valley Water Works, to lay down Water Pipes in the Public Streets of the City and County of San Francisco, passed April 23, 1858. Parker.	599		638	657	640
244	An Act to change the Name of Julien Neuschwander. Berry.	599		599	706	
245	An Act amending an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1859. Anderson.	599				650
246	An Act to appropriate and condemn to the use of State of California the Interest of certain Parties in and to the State Prison Grounds, Buildings, etc., situated on Point San Quentin, in the County of Marin, and to Appropriate Money for the Payment of such Interest. Garter.	599	599	762		629, 646, 689, 743, 762

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
247	An Act to amend an Act entitled an Act supplementary to and amendatory of an Act entitled an Act concerning Conveyances, passed April 27, 1855. Merritt.	604				650
248	An Act to provide for the levying of Taxes for County purposes, in the County of Solano, for the year 1859. Griffith.	616		616	620	
249	An Act to empower M. G. Vallejo to Convey certain Real Estate. Griffith.	629	664	664		
250	An Act to authorize Payment in full to to be made for Land purchased from the State of California, wholly or partly on credit. Burton.	611		786		693
251	An Act fixing the Terms of the County Court, Probate Court and Court of Sessions in the Counties therein named. O'Farrell.	615		615	698	
252	An Act relating to the office of Sheriff, in the County of San Mateo. Phelps.	615		615	701	
253	An Act to provide for the disposal of the 16th and 36th Sections of Land donated to the State for School Purposes, by Act of Congress, passed March 3d, 1853, and to appropriate the proceeds of the sales thereof to the Credit of general School Fund. Ballou.	755				
254	An Act granting right of way for the Atlantic and Pacific Railroad & Telegraph, from San Francisco, California, to the Eastern boundary line of the State, and authorizing the State guarantee of interest on bonds issued by any Company constituting the same. Grant.	633				712
255	An Act concerning Roads and Highways in the County of Alameda. Redman.	635				648
256	An Act to repeal Section 4 of an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May 3, 1852. Ballou.	633		633		
257	An Act to appropriate Money for the improvement of the Mad Houses, and other improvements of the State Insane Asylum. Titus.	633			746	

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
258	An Act to establish a State Internal Improvement Fund. Titus.	633				
259	An Act appropriating Money to pay certain Claims. Committee on Claims.					
260	An Act supplemental to an Act entitled an Act to apportion the Senatorial and Assembly Districts of this State, approved May 18, 1853. Redman.					
261	An Act to audit certain Claims. Committee on Claims.	645		645		653
262	An Act granting the privilege to James Ross to erect a Wharf at Point San Quentin, in Marin County, and to collect Wharfage. O'Farrell.	652				
263	An Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe $50,000 to the Capital Stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters thereto relating. Parks.	652		661	715	
264	An Act for the relief of Hiram McLaughlin. Thom.	652		660	789	
265	An Act to authorize the Courts of Record of this State to admit E. G. Brown, to practice as an Attorney and Counsellor at Law. Griffith.	652			771	
266	An Act supplementary to an Act concerning Crimes and Punishments, passed April 16th, 1850. Phelps.	652		705		
267	An Act to provide for the payment of Coupons for interest to be issued under the provisions of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the 1st day of July, 1856. Grant.	757	758	758	771	
268	An Act amendatory of an Act to fix the compensation of the County Judge of Calaveras and the District Attorney of same, approved March 13, 1857. Bradley.	653			760	760

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
269	An Act supplemental to an Act concerning Sheriffs. Gregory.	658		702		
270	An Act for the relief of F. W. Blake, W. B. Olmstead, H. W. Anderson, C. P. Rice, the Administrators of John Cole, deceased. Burch.	660		692	789	692
271	An Act to authorize the Board of Supervisors of the County of Yolo, to take and subscribe $50,000 of the Capital Stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same and matters relating thereto. Griffith.	660			760	
272	An Act to authorize the Board of Supervisors of the County of Solano to take and subscribe $200,000 to the Capital Stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same and matters relating thereto. Griffith.	660			760	
273	An Act to authorize the San Francisco and Marysville Railroad Company to construct and maintain a Railroad Bridge across Feather River, and for other purposes. Wheeler.	660		740		
274	An Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the government of the same. Griffith.	697		697	789	
275	An Act to grant the right to construct a Free Foot Bridge across the Mokolumne River, to certain citizens of Amador and Calaveras Counties. Ketcham.	697				
276	An Act supplementary to an Act fixing the time of holding the Courts of Sessions and County Courts in the County of Tuolumne, approved March 31, 1859. Quinn.	698		698	740	
277	An Act to legalize and confirm the election of County Surveyor of Butte County. Hart.	740			740	
278	An Act to authorize the parties therein named to construct and maintain a Wharf. Dent.				760	
279	An Act fixing the time at which the	719		719	723	

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	County Officers of Amador County shall be elected. Ketcham.					
280	An Act amendatory of an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to execute certain Deeds, and cancel certain Claims, approved April 26th, 1858. Grant.	728		757	757	
281	An Act concerning Goods, Wares and Merchandize contained in packages, and usually sold by weight. Ketcham.	729			752	
282	An Act to authorize Elliott Aubery and his Associates to construct a Wagon Road through the County of El Dorado. Titus.	725				754
283	An Act amendatory of and supplementary to an Act to grant the right to construct and maintain a Bridge across the Feather River, approved April 26, 1858, and for other purposes. Parks.	725				
284	An Act for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties of this State. Bradley.	733	733	733	760	
285	An Act authorizing the Re-Survey of a portion of the City and County of San Francisco. Parker.	728				
286	An Act to appropriate Money for the payment of a certain judgment against John B. Weller. Burton.	738		738	760	
287	An Act to provide for the appointment of a board of Engineers for the Survey of the Water Front of the City of San Francisco, and a report as to a Sea-Wall along the same. Griffith.	743				767
288	An Act to grant Huffman M. White and his Assigns the right to construct and maintain a Bridge across King's River. Gregory.	747				
289	An Act supplementary to and explanatory of an Act entitled an Act making Certificates of Purchase or location evidence of title, approved April 13, 1859. Phelps.	747				

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
290	An Act concerning the Commissioners of Election appointed under an Act entitled an Act to define the boundaries and provide for the organization of Mendocino County. O'Farrell.	750		750		
291	An Act to appropriate Money to pay the Claim of D. L. Mulford. Committee on Claims.	766		766		806
292	An Act to provide for the settlement of controversies arising out of a certain Contract made on the 26th of March, 1856, between R. M. Anderson, G. W. Whitman and Henry Bates, Board of State Prison Commissioners of the one part, and J. M. Estille of the other part. Wheeler.	752			772	
293	An Act in relation to a Sea-Wall or Bulkhead for the harbor of San Francisco. Gregory.	747			759	
294	An Act to audit and allow the Claim of J. M. Anderson. Committee on Claims.	749		749		
295	An Act authorizing the Treasurer of State to issue bonds for the payment of Expenses incurred in the suppression of Indian Hostilities in this State. Berry.	748				775
296	An Act to provide for the payment of certain Claims of J. McCauley against the State of California. Gregory.	747				
297	An Act to regulate proceedings in Civil Actions in certain Cases. Anderson.	747		763	791	
298	An Act to enable certain Minors therein named to manage and control their property. Pacheco.	749		785		772
299	An Act to enable the Minor heirs of Jose Joaquin Estudillo to convey Real Estate. Williams.	748		785		772
300	An Act to authorize Peter H. Burnett and William T. Barbour to bring suit against the State Controller and for other purposes. Griffith.	753			772	
301	An Act to amend an Act entitled an Act to amend Section one of an Act entitled an Act to provide Revenue for the support of Government of this	762		762		

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
	State, from a tax to be levied and collected from foreign and inland bills, and other matters. Burch.					
302	An Act making appropriations for Deficiences made for the 10th fiscal year, ending 30th day of June, 1859. Lansing.	763		763	790	
303	An Act changing the time of assessing the value of the Real and Personal Property and collecting the taxes levied therein for State and County purposes. Kirkpatrick.	763		763	771	
304	An Act to regulate and continue the lien of Judgments recovered by this State. Anderson.	764		764		
305	An Act for the payment of John Center. Committee on Claims.					
306	An Act repealing the laws now in force relating to the Militia and concerning the organization and enrollment and discipline of the Militia of this State. Committee on Military Affairs.					
307	An Act to provide for the payment of the monthly salary of the State Registrar from May 8th, 1858, to March 8th, 1859, as audited by the Board of Examiners. Committee on Claims.	768				
308	An Act to provide for the payment of a Digest of the decisions of the Supreme Court of the State of California, and for the distribution of the same. Judiciary Committee.	767	768	768		806
309	An Act to appropriate Money to pay certain Claims. Committee on Claims.	806			806	
310	An Act to appropriate Money to pay certain Claims. Committee on Claims.					
311	An Act supplemental to and amendatory of an Act entitled an Act to establish a standard of Weights and Measures for this State, passed March 30th, 1850, and all Acts supplemental to and amendatory thereof. Ketcham.	774				
312	An Act amendatory of an Act entitled an Act to establish, support and regulate Common Schools, passed May 3, 1855. Gregory.	787		787		

SENATE BILLS.

No.	TITLE.	Introduced.	Committee of the Whole.	Passed Senate.	Passed Assembly.	Further Proceedings.
313	An Act to authorize John F. McCauley and James M. Estill to sue the State of California. Burton.	787	787			788
314	An Act making Appropriations for the Payment of Rewards offered by the Governor. Griffith.	801		801		

SENATE CONCURRENT RESOLUTIONS.

No.	TITLE.	Reported.	Concurred in.	Further Proceedings.
1	Concurrent Resolution relative to printing Governor's Message for use of Senate and Assembly. Griffith.	77		98
2	Concurrent Resolution relative to the appointment of a Committee of Three from each House to report Joint Rules for the Government of the two Houses. Burton.	92	95	
3	Concurrent Resolution relative to instruction of our Senators at Washington, and our Representatives in Congress be requested, to urge upon Congress the immediate payment of the Indian War Debt, due citizens of this State. Thom.	99	111	
4	Concurrent Resolution relative to the Attorney General intervening, on part of the State, in the suit now pending with regard to the title of the New Almaden Mines. Holden.	132		
5	Concurrent Resolution relative to the appointment of a Special Joint Committee, consisting of four from each House, to take into consideration that portion of our State Constitution which relates to the Judicial System, and report, by bill or otherwise, such altera-	103	118	

SENATE CONCURRENT RESOLUTIONS.

No.	TITLE.	Reported.	Concurred in.	Further Proceedings.
	tions and amendments as by them shall be deemed necessary and expedient. Ketcham.			
6	Concurrent Resolution relative to printing State Controller's and State Treasurer's Reports, 2,500 copies each; of Superintendent of Public Instruction, 2,500 copies; of Secretary of State, 1,000 copies; of Attorney General, 1,000 copies; of Insane Asylum, 1,000 copies; of State Registrar, 1,000 copies. Ballou.	114	118	
7	Concurrent Resolution relative to New Almaden Quicksilver Mines, that the Attorney General of this State be directed and instructed to intervene in said suit, on part of the State, or take such other measures as he may deem necessary to test the right of the State to the Mines and Minerals within this State. Denver.	122		
8	Concurrent Resolution relative to fraudulent Mexican Land Grants. Dent.	124	197	142, 143, 169, 180, 613, 656, 815
9	Concurrent Resolution instructing the Judiciary Committee of the Assembly and Senate, to take under consideration, jointly, the recent decision of the Supreme Court of this State, on the constitutionality of the Law prohibiting the Emigration of Chinese into this State; and, also, the decision of the Supreme Court relative to the better observance of the Sabbath. Burton.	124		
10	Concurrent Resolution relative to printing 1,000 copies of the Governor's Message in the German language for use of Senate and Assembly. Merritt.	142		217
11	Concurrent Resolution censuring Senator Broderick for disobeying instructions. Holden.	166	226	169, 175, 215, 228
12	Joint Resolution instructing our Senators and Representatives in Congress. O'Farrell.	169		169, 213
13	Concurrent Resolution relative to printing the Report, and certain portions of the Report, of the Surveyor General. Joint Committee on Printing.			

SENATE CONCURRENT RESOLUTIONS.

No.	TITLE.	Reported.	Concurred in.	Further Proceedings.
14	Concurrent Resolution instructing our United States Senators, and requesting our Representatives, in Congress, to use their influence to provide, at an early day, for a complete Geological Survey of the Mineral Districts of this State by the General Government. Titus.	179	254	283, 302
15	Concurrent Resolution relative to the Insane Asylum at Stockton. Thom.	188		
16	Concurrent Resolution relative to the Boundary Line between California and Utah. Titus.	190	242	194, 207
17	Concurrent Resolution relative to appointing a Joint Committee, of three from each House, to select proposals for the Translation of the Laws into the Spanish Language. Pacheco.	217		212
18	Concurrent Resolution relative to printing 1,500 copies of the State Prison Report. Phelps.	211	222	211
19	Concurrent Resolution relative to allowing Joint Committee on accounts of S. A. McMeans, (late State Treasurer,) a Clerk. Burton.	222		
20	Concurrent Resolution relative to allowing the Secretary of State to return to their owners all original papers of claims that have been audited by the Legislature. Burton.	228	237	
21	Concurrent Resolution instructing Committee on Claims to act jointly on all business. Burton.	228		237, 275
22	Concurrent Resolution relative to Swamp and Overflowed Lands. Holden.	242		273
23	Concurrent Resolution granting to Hon. Stephen J. Field, Justice of the Supreme Court, leave of absence to the Atlantic States. Kirkpatrick.	265	277	302
24	Concurrent Resolution relative to appointing a Committee from each House to examine vouchers for the issuance of certain Bonds. Burton.	283	283	283, 302
25	Concurrent Resolution relative to survey	274		

SENATE CONCURRENT RESOLUTIONS.

No.	TITLE.	Reported.	Concurred in.	Further Proceedings.
	of Boundary Line between the State of California and the Territory of Utah. Ballou.			
26	Concurrent Resolution relative to adjourning *sine die* on Monday, April 11, A. D. 1859, at two o'clock, P. M. Wheeler.	326	510	
27	Concurrent Resolution relative to allowing Joint Committee, appointed to examine vouchers upon which was issued the three millions nine hundred thousand dollars, a Clerk.	265	432	
28	Concurrent Resolution relative to the Survey of the Mineral Lands within the State of California. Kirkpatrick.	425		527
29	Concurrent Resolution relative to the establishment of a Semi-Weekly Mail from San Francisco to Los Angeles. Thom.	460		
30	Concurrent Resolution relative to the Attorney General being directed to commence suits against the late State Treasurer, A. McMeans and sureties. Joint Committee.	476	663	
31	Concurrent Resolution relative to printing 5,000 copies of the Report of State Agricultural Society. Pacheco.	645		645
33	Concurrent Resolution relative to Ocean Steamship Mail routes. Dent.	604	614	617
34	Concurrent Resolution relative to asking Congress to donate to this State 10,000,000 acres of land. Kirkpatrick.	619	720	771
35	Concurrent Resolution relative to Instructing our Senators and Representatives in Congress to oppose the extension of the patent of Morse Telegraph. Burch.	649		
36	Concurrent Resolution relative to Senate and Assembly meeting in Joint Convention, on April 13th, 1859, to elect three Trustees to Insane Asylum. Dent.	664	706	696
39	Concurrent Resolution relative to adjournment *sine die*. Denver.	803	803	815

SENATE CONCURRENT RESOLUTIONS.

No.	TITLE.	Reported,	Concurred in.	Further Proceedings.
41	Concurrent Resolution relative to Geological Survey of this State. Ballou.	802	806	
42	Concurrent Resolution relative to granting General Kibbe four months' leave of absence.	814	814	

INDEX TO ASSEMBLY BILLS.

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
3	An Act entitled an Act concerning Roads and Highways in certain Counties therein named, approved April 22d, 1858.	174		174	182, 184
5	An Act to fix the terms of the Probate Court in and for the County of Tuolumne.	189 121	191	121	124
10	An Act amendatory and supplementary to an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14th, 1853.	212		212	397
11	An Act concerning Marriages and Divorces.	530		530	751
14	An Act to repeal an Act entitled an Act concerning Roads and Highways in and for the Counties of Tuolumne and Alameda, passed April 26, 1858.	189 131	191	131	131, 191
15	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay out of the General Fund certain Claims therein mentioned.	212	228	212	225, 228
16	An Act concerning Roads and Highways in San Mateo County. (Substitute.)	338		338	544, 635
18	An Act providing for a more complete survey and location of the Boundary lines between the Counties of Shasta, Plumas, Siskiyou, Sierra, Butte and Tehama.			334	

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
19	An Act concerning Roads and Highways in the County of Nevada.	237		237	290, 311
23	An Act for the relief of David Weaver.	194			204
28	An Act to repeal an Act entitled an Act to prevent the further Emigration of Chinese and Mongolians to this State, approved April 26, 1858.			130	131
29	An Act to change the name of Walter Scott Tarbox to Walter Scott.	155		155	272
31	An Act to separate the office of Collector of Taxes from the office of Sheriff of the County of Amador.			480	622, 707, 762
32	An Act to authorize the Board of Supervisors of Trinity County to levy a special Tax and create a redemption fund for the payment of County Indebtedness.	189	207		189, 202, 207
35	An Act to grant the right to construct a Bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named.	298	428	270	271, 314, 493, 500, 536, 628
38	An Act to regulate Fees of certain Officers in Amador County.	485		277	277, 534
39	An Act to repeal an Act to Incorporate the town of Oroville, and an Act amendatory of an Act to Incorporate the town of Oroville.	212		212	233, 234
43	An Act to authorize the formation of Joint Stock Associations for deposits, savings and discounts.	232			756
44	An Act to amend Section one hundred and seventy-nine of an Act entitled an Act concerning Corporations.	405	405	270	271, 405, 432
45	An Act amendatory of and supplemental to the Act defining the rights of Husband and Wife.	752		443	443
46	An Act for the relief of the County Treasurer of the County of San Joaquin.	311			189, 311, 442
47	An Act to reduce the Salary of the County Judge of Sutter County.	201		201	333
48	An Act to enable Poor Persons to prosecute and defend Suits.	197	314		219, 224, 305, 314, 332

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
49	An Act supplementary to an Act entitled an Act concerning Conveyances, passed April 16, 1850.	249	338	249	281, 303, 434
50	An Act supplementary to an Act concerning the Writ of *Habeas Corpus*.	174	187	174	181
51	An Act to amend an Act concerning the office of County Judge of San Joaquin County.	189	207		189, 207
53	An Act authorizing and requiring the Board of Supervisors of the County of San Mateo to levy a special Tax.	185 195	191	185	186
56	An Act concerning the organization of the Militia.	655		655	756
57	An Act concerning the office of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco.	222		222	269, 279, 315 396
58	An Act to provide for the licensing of Auctioneers and to define their duties and liabilities.	545	653	545	641, 653, 706
59	An Act to provide for holding the January term of the 17th Judicial District in the County of Plumas.	233		233	259, 265
62	An Act to amend an Act entitled an Act concerning official and other Bonds, approved April 2, 1857.	305	303	270	271, 281, 303
63	An Act providing for holding a special term of the District Court in the 13th Judicial District.	224		224	
65	An Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of Sheep to certain pastures in the Counties of Sonoma and Marin, approved April 15, 1858.	447		442	443, 447, 461
66	An Act to alter and define the Boundary lines of Tehama County.	461		461	757
67	An Act to legalize the assessment of Real and Personal Property made by John H. Lillard in the County of Butte during the years 1856 and 1857.	212	230	212	230
68	An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on		273	249	250, 273

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
	Public Lands in this State, approved April 20, 1852.				
69	An Act providing for holding a special term of the District Court in the 13th Judicial District.	276			276
70	An Act to change the name of John Teachout to John Thompson.	222		222	
71	An Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in Civil Cases, passed April 29, 1851.	655		655	772
76	An Act to change the name of John August Strombohl to August William Strombohl.	237	313	237	291, 313
78	An Act to change the time of holding the County Court in the County of Marin.	249		249	250
81	An Act to extend the time for collection of Taxes in the County of Contra Costa.	197		197	197
82	An Act (substitute) amendatory of an Act entitled an Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco and to consolidate the government thereof.	244	522	244	245, 455, 522
83	An Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed May 11th, 1854; amended April 16, 1858.	660	699		699, 718, 750 765
85	An Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes.	269	279		279, 300
87	An Act to define the Boundaries, and provide for the Organization of Mendocino County.	298	441	283	284, 313, 338 441, 461
88	An Act allowing Compensation to the Coroner of the City of San Francisco, for certain purposes.	244		244	244, 248, 256 257, 440
90	An Act to provide for improving the Navigation of Navarro River.	703		404	766
91	An Act concerning the Official Bonds of the District Attorney, Surveyor, Coro-	258	299	334	257, 300, 334

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
	ner, and Public Administrator of the Counties of San Luis Obispo, San Diego, Yuba and Nevada.				
93	An Act to confirm and legalize the Tax-Lists and Assessment-Rolls of the County of Marin, for the years 1857 and 1858, and to authorize the collection of Unpaid Taxes in said County.	305		270, 334	271, 281, 306 334, 551
94	An Act concerning Jurors in the County of Los Angeles.	655		655	754
95	An Act fixing the time of holding the Court of Sessions, and the County Court, in the County of Contra Costa.	237		237	238, 255
97	An Act to extend the time for completing the Assessment-Roll, and for collecting the Taxes of San Bernardino County.	212		212	213
98	An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts in this State.	602			602
102	An Act concerning the County Judge of Solano County.	233		233	282, 305
103	An Act concerning the Board of Supervisors of the County of Tuolumne.	268	279 306	249	250, 306, 409
104	An Act to extend the time for the collection of Delinquent Taxes in the City and County of San Francisco.	212		212	213
105	An Act legalizing the acts of D. W. Davis.	297	311	270	271, 311
106	An Act amendatory of an Act entitled an Act defining the Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, approved April 24, 1858.			283	284
107	An Act to fix the amount of the Official Bonds of the County Officers in and for the County of El Dorado.	583		583	638
108	An Act to provide for the Compensation of the Keepers of the County Jails in Shasta and Colusa Counties, and to legalize all Warrants heretofore issued for the payment of the Services of said Keepers.	636		500	559, 636, 663
109	An Act to amend an Act concerning No-	267	273	249	250, 273, 493

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
	taries Public, approved April 30th, 1857.				
111	An Act to extend the time for collecting Delinquent Taxes in the City and County of San Francisco.	231		231	
112	An Act supplementary to an Act to extend the time for completing the Assessment-Roll, and for collecting the Taxes, in San Bernardino County.	232		232	232, 233, 234
113	An Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco.	444	619	249	250, 497, 619
114	An Act making Appropriation for the Salaries of the Clerks in the State Land Office, from the first day of February, to the thirtieth day of June, 1859.	433	433	270	271, 433
116	An Act to incorporate the Town of Eureka.	479		300	301
118	An Act to authorize the Guardian or Guardians of certain Minors to sell and dispose of the Real Estate and Chattels real.	490	569	480	569
119	An Act to extend the time for Collection of Taxes in Solano County.	235		235	235, 306
120	An Act to authorize Richard L. Ogden, or his Assigns, to run Steam Wagons over the roads of this State.	298		283	284, 314, 327
121	An Act to authorize Wm. B. Atterberry, administrator of the Estate of Martin E. Cook, to execute certain conveyances.	397		283	284, 397
122	An Act appropriating Money for the Payment of Copying done for the Legislature.	236		236	254
123	An Act to Provide for the Erection of Public Buildings in the County of Solano.			249	250, 265
124	An Act to authorize the Sale of the Real Estate belonging to the Minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey.	304	304	270	271, 281, 304 334
125	An Act to Regulate Fees in Office in the County of Nevada.	765			765

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
126	An Act to fix the time of holding the County Court and Court of Sessions of Amador County.	237			248, 257
127	An Act to amend an Act entitled an Act concerning Attorneys and Counsellors at Law, approved April 19th, 1851.	297	310	277	277, 310
131	An Act to prohibit Gaming.	554		554	643
132	An Act to authorize the Sale of the Real Estate of Joaquin Soto, deceased.	267	274	258	258, 274, 283
134	An Act fixing the time of holding the County Court and Court of Sessions in the County of Nevada.	311		257	258, 290, 311
135	An Act to fund the Debt of the County of San Bernardino.	270	279	258	258, 279, 293
136	An Act to Extend the time for Collecting Taxes in the County of Napa.	242		242	242
137	An Act to Repeal an Act entitled an Act to extend the time for making Assessment and Collecting of Taxes in the County of Nevada, approved April 26th, 1858.			770	
140	An Act in relation to Mining Copartnerships.	443		442	443, 528, 627 629
141	An Act to change the Name of Frederick Ferdinand Seidenbinder to Frederick Ferdinand Seiden.	311		283	284, 290, 595
142	An Act for the relief of John McQuade and Wm. Fell.			392	
143	An Act for the relief of Partners and Joint Debtors.				
144	An Act to Establish and Declare a Uniform mode of computing Degrees of Kindred.			442	443
145	An Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing the seat of Justice therein, passed April 25th, 1851.	539		539	
146	An Act to authorize the Board of Supervisors of Marin County to levy a Special Tax.			270	271, 281, 305

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
147	An Act creating a Contingent Fund for Shasta County.	408		487	408
148	An Act supplementary to and amendatory of an Act entitled an Act concerning the Office of Public Administrator and making it elective, passed April 15th, 1851; passed May 7th, 1855.			480	338, 552, 636 656
149	An Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company.	293		293	293
151	An Act to change the names of Certain Persons therein named.	326	339	270	271, 339
152	An Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to re-issue certain Bonds to Erastus Bartlett.		271	270	271
154	An Act authorizing Charles B. Ryder to construct a Wharf at Trinidad Bay, Klamath County.	461		461	579, 637
155	An Act to authorize the Mayor of the City of Benicia to enter into an Agreement with S. C. Hastings for exchange of certain property for School purposes.	428	428	428	428, 442
157	An Act to authorize the Secretary of State to purchase one thousand copies of the "California State Register," and to distribute the same.		392	391	523
159	An Act to separate the Office of County Recorder, County Auditor, and Clerk of Probate Court, from Office of County Clerk, in Sierra County.	740		740	758
160	An Act concerning Jurors in Humboldt County.			277	277
161	An Act fixing the Salaries of County Judge of San Bernardino, and of the District Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act.	461	535	461	535
163	An Act amendatory of an Act entitled an Act to provide for the Sale and Redemption of the Swamp and Overflowed Lands of this State, approved April 21st, 1858.	461	615	461	610, 615, 714

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
164	An Act to provide for the Establishment of a State Prison Library.	461		461	523
165	An Act to grant the right to construct and maintain a Dam and Locks across and in Napa Creek.	460		460	460, 750, 766, 771
166	An Act to authorize the Board of Supervisors of Alameda County to levy a Tax for School purposes.		296	279	279, 282
167	An Act to provide for the purchase and erection of Hydrants in the City and County of San Francisco.	405		338	405
170	An Act amendatory of an Act entitled an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador.	297		283	284, 311
172	An Act to authorize Michael Massett to remove the remains of Deceased Persons.	339	339	283	284, 326
173	An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of the State, approved April 29th, 1857.	458		334	526
176	An Act to fix the compensation of the County Judge of Tuolumne County.	311		293	293, 311
178	An Act to procure the translation into the Spanish language, and to provide for printing such portions of the Statutes of 1850 and 1851, as are now in force.	506	570	480	570, 602
179	An Act to confer further powers upon the Board of Education and Treasurer of the City and County of San Francisco.			480	769
181	An Act to authorize the State Treasurer to issue to Minerva J. Carroll a Duplicate School Land Warrant in lieu of a certain Warrant destroyed.	515	515	496	515
182	An Act concerning certain acknowledgments of Deeds and other instruments of writing affecting Real Estate.	650			
183	An Act to fix the time of holding the County Court and Court of Sessions in the County of Tehama, and the Court	409		409	455, 515

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
	of Sessions, County Court and Probate Court in the County of Colusi.				
184	An Act (substitute) to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund.	573		493	573, 655
186	An Act for the relief of purchasers of lands from the State of California.	540		480	540
188	An Act to prevent Stallions from running at large in the County of Sacramento.	486	535	461	
190	An Act to confirm and legalize certain Assessment Rolls of the City and County of San Francisco and to provide for the collection of Delinquent Taxes therein.	460	492 522	460	522, 596
192	An Act (substitute) to legalize the acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco or by any Deputy County Recorder within this State.			461	624
193	An Act supplemental to an Act entitled an Act to regulate proceedings in Civil Cases, passed April 29th, 1857, approved April 21, 1859.	490		570	492, 557, 558
194	An Act to fund certain Claims against Sacramento County.	515		442	443, 454, 515
195	An Act to authorize the State Treasurer to issue to George Campbell Duplicate School Land Warrants in lieu of a certain other warrant given up to be cancelled.		514	493	514
196	An Act to change the name of Jacob Schleckwey to that of Jacob Robinson.			461	462, 523
197	An Act to provide for the better encouragement of the culture of the Vine and Olive.	554		554	580, 637
202	An Act supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April 26th, 1858.	499	571	496	571

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
203	An Act to authorize the incorporation of Rural Cemetery Associations.	635		635	773
205	An Act to authorize H. W. Bragg, guardian of the minor heirs of David Martin and Ann Martin, deceased, to sell the Real Estate of said minor heirs at public or private sale.	499	571	480	571, 602
206	An Act to regulate Salmon Fisheries on Eel River, Humboldt County.	554	555	554	596
209	An Act concerning the County Auditor of San Joaquin County.		393	393	
210	An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to provide for funding the Debt of San Joaquin County, for the payment of the interest thereon and the gradual liquidation of the Debt, approved April 29, 1856.		393	393	393
211	An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May 4, 1854.	480		480	536
213	An Act concerning Roads and Highways in Shasta County.	544	635	496	635, 656
214	An Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco.	515		515	526, 570, 595
219	An Act for the protection of Gas Light Companies.	754		442	443
223	An Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State.	648			739, 744
228	An Act to authorize the County Recorder, of the County of Tehama, to transcribe certain Records in the Counties of Colusa, Shasta and Butte.	485		461	535
229	An Act to authorize the County of Santa Barbara to issue Bonds for the funding of its Debt and the construction of Roads, and to provide for the payment of said Bonds.	499		461	558
231	An Act to amend an Act entitled an Act to amend an Act to fund the Debt of			480	

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
	the County of San Diego, and to provide for the payment of the same, approved May 4th, 1855; approved April 14th, 1856.				
233	An Act amendatory of and supplemental to an Act to support and regulate Common Schools and to repeal all former Acts concerning the same, approved May 3, 1855.			515	
234	An Act to change the time of holding the terms of the District Courts, Courts of Sessions, County Courts, and Probate Courts, within the 2d Judicial District.	518		509	619
237	An Act supplementary to an Act to regulate Fees of Office, approved April 10, 1855.	460 479		460	499, 576, 596
239	An Act to provide for the location of Slaughter-Houses, Corrals, and Cattle-Pens, in the City and County of San Francisco.			509	524, 546, 585, 593, 602
240	An Act to change and fix the time of holding the Court of Sessions, the County Court, and the Probate Court, of the County of San Bernardino.	484		482	533
241	An Act to legalize a certain Conveyance made by Thomas W. Sutherland, Administrator *de bonis non* of the Estate of Miguel de Pedrorena, deceased, to Jose A. Aguirre.	606			697
242	An Act to extend the time for Levying Taxes in the County of Contra Costa.			482	482
243	An Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an Attorney and Counselor-at-Law.	521		521	551, 553
245	An Act to authorize the Board of Supervisors of Yuba County to levy a Special Tax for County Purposes.	708		708	
249	An Act supplementary to and amendatory of an Act to Incorporate the Town of Petaluma, approved April 12th, 1858.	521		521	562
250	An Act to grant the right to improve the Navigation of Petaluma Creek.	601		601	633

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole	Passed Assembly.	Further Proceedings
251	An Act to amend an Act entitled an Act to amend an Act entitled an Act to change the time of holding the Court of Sessions, and County Court, in the County of Napa approved April 20, 1857.	659		486	659
252	An Act to amend an Act entitled an Act to provide for the Payment of the Debt of Humboldt County that existed on the thirty-first day of December, 1857, approved April 26, 1858.	516		516	516
256	An Act to define the Boundary Line of Tuolumne County.	509		509	619
257	An Act to create the County of Mokelumne.	613	720	613	721, 733
264	An Act to regulate Fees of certain Officers, and Witnesses, and Jurors, in the County of El Dorado.	583		583	623
265	An Act to define the Head of Navigation on Mokelumne River.	659			
267	An Act to extend an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21, 1858.	555		555	555, 560, 602
268	An Act concerning Lawful Fences in the Counties of San Bernardino, Colusa, Tehama, Shasta and Placer.	562		562	770
269	An Act to authorize the sale of the Real and Personal Property of the Estate of George W. Birdsall, deceased.	555		555	785
270	An Act to create the County of Alturas, to define its Boundaries, and provide for its Organization.	583		583	731
273	An Act to encourage the supply of Fresh Water on the Desert west of Fort Yuma.			715	715
274	An Act amendatory of an Act entitled an Act amendatory of an Act to authorize the Board of Supervisors of Nevada County to levy a Special Tax for County Purposes, approved April 22d, 1857; approved February 27th, 1858.	544		544	545, 559

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
276	An Act to establish the Rule of Evidence, to be observed in the Courts of this State, in certain cases concerning Titles to Land.	772		708	
278	An Act to authorize Charles Pearce to change his Name to Charles G. Howard.	740		740	
279	An Act to confer further powers upon the Board of Supervisors, Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein named.	757 740		740	758
280	An Act supplementary to an Act entitled an Act concerning Marks and Brands, passed May 1st, 1851.			708	
281	An Act to authorize certain Counties to retain the State's portion of the Poll-Tax, less that portion authorized by law to be paid into the general School Fund, which shall be collected in said Counties for the years 1859 and 1860, to be applied to the construction of a Wagon Road from Cloverdale to Yreka.	654 587	654	587	654, 661 598
283	An Act to audit and allow the Claim of Joseph Nougues.	554	554		554
284	An Act to audit certain Claims.	555		555	636
285	An Act to appropriate Money to pay certain Claims.	555		555	636
287	An Act amendatory of and supplementary to an Act passed April 24, 1858, entitled an Act to repeal the Act passed March 26, 1851, entitled an Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento.	587		587	
288	An Act to amend an Act entitled an Act concerning the Office of Public Administrator in the Counties of Monterey, Nevada, Sacramento and Amador, approved April 5, 1856; approved March 9, 1859.	555	654	555	590, 654
289	An Act to exempt the Estate of Charles Evans, deceased, from the process of Administration.	555		555	607, 711

No.	TITLE.	Reported.	Committee of the Whole	Passed Assembly.	Further Proceedings.
290	An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.	662		662	752
291	An Act to provide for fixing the commencement of the Terms of Office in the County of Butte.	601		601	651, 774
293	An Act to amend an Act entitled an Act to prescribe the mode of drawing Grand and Trial Jurors in the City and County of San Francisco, approved April 2, 1857.	651	651		651
294	An Act supplemental to an Act entitled an Act to provide Revenue for the support of the Government, passed April 29, 1857.	601		601	611
296	An Act to remedy the loss of a certain Certificate of the Mokelumne Hill Canal and Mining Company.	562		562	
299	An Act to amend the seventy-first section of an Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April 19, 1856.	576		576	695, 706
300	An Act for the Government of the State Prison, creating a Director, and defining his powers and duties, and to repeal an Act for the Government of the State Prison, and to provide for the location of a Branch Prison, approved April 24, 1858.	791		791	802
303	An Act to amend an Act defining the time for commencing Civil Actions, passed April 22, 1850.	752	763	708	763
304	An Act supplementary to and amendatory of an Act entitled an Act concerning Roads and Highways in Nevada County, approved March 2, 1859.	613		613	616
305	An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas and Siskiyou.	659		659	704
306	An Act to amend an Act entitled an Act to provide for the appointment of a	655		655	655, 752

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
	Reporter of the Supreme Court, and to define his duties and compensation.				
308	An Act in relation to Contracts in certain Cases, and to provide for the Punishment of Persons interested in the same.			770	
309	An Act to amend an Act entitled an Act to regulate Fees in Office in certain Counties in this State, approved April 28, 1857.	698		698	758
310	An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County Purposes.	659		659	695
311	An Act supplementary to and amendatory of an Act entitled an Act to define the Boundaries and provide for the Organization of Mendocino County, approved March 11, 1859.	614		614	624
312	An Act to provide for the Compensation of the Keepers of the Jails in Tehama and Colusa Counties, and to legalize all Warrants heretofore issued for the payment of the Services of the Keepers of said Jails.	601		601	630
313	An Act amendatory of and supplementary to an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved March 6, 1857.	601		601	630
316	An Act to amend an Act concerning Roads and Highways in certain Counties therein named, approved April 22, 1856.	602		602	608
318	An Act for the Relief of Michael Fennel. (Substitute.)	614		614	
319	An Act to authorize the sale of Real Estate, and the transfer of School Warrants, belonging to the Estate of P. Tracey, deceased.	772		708	
321	An Act to amend an Act concerning Hogs running at large in the Counties of Marin, San Francisco, Sacramento, Alameda, Stanislaus, Yuba and Santa Clara, approved April 21, 1856.	741		741	756

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
322	An Act to change the Name of John Henry Kounse, to that of John Lee Cambridge.	620		620	620
323	An Act making certain Animals Property.			708	
324	An Act to authorize certain persons to reclaim, locate and pre-empt certain Swamp and Overflowed Lands in the County of Sacramento.	746		746	754
326	An Act to abolish the Office of Public Administrator in and for the Counties of Tuolumne and Santa Barbara.	747		747	756
327	An Act appropriating Money for the payment of certain Claims.	698		698, 698	
328	An Act to audit and allow certain Claims.	698		698, 698	
329	An Act to provide for the location of School Land Warrants upon unsurveyed Lands, and for the issuance of Titles to the same.	755			770
330	An Act to provide for condemning or purchasing certain Lands adjoining the State Prison Grounds at San Quentin, for State Prison Purposes.	645		645	645
334	An Act supplementary to and amendatory of the Act of April 16, 1850, concerning Crimes and Punishments, and the Acts amendatory thereof.			771	
335	An Act amendatory of and supplementary to an Act to provide Revenue for the support of Government of State, approved April 29th, 1857.	713			
336	An Act in relation to the appointment of a Pilot for the Bay and Harbor of Crescent City.	741		741	751
337	An Act supplementary to and amendatory of an Act to allow Lindsey Carson to sell certain Real Estate, and to amend the title to the same.	786		786	786
339	An Act to provide for the location of School Land Warrants upon Unsurveyed Lands, and for the issuance of title to same.			723	
340	An Act to amend an Act entitled an Act defining the legal distances from each	705 659		659	774

ASSEMBLY BILLS.

No.	TITLE.	Reported.	Committee of the Whole.	Passed Assembly.	Further Proceedings.
	County Seat to the Capitol, Insane Asylum and State Prison.				
341	An Act to authorize the issuance of Duplicates for certain lost School Land Warrants.	698		698	787
342	An Act relating to the care of the Indigent Sick in the County of Yuba.	747		747	757
343	An Act to appropriate Money to pay Francis Crussell.	708		708	708
347	An Act to authorize the sale of the Real Estate of the late Wm. E. P. Hartwell, deceased			708	
348	An Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to Incorporate the City of Marysville, approved March 3d, 1857; approved April 25th, 1857.	748		708	
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